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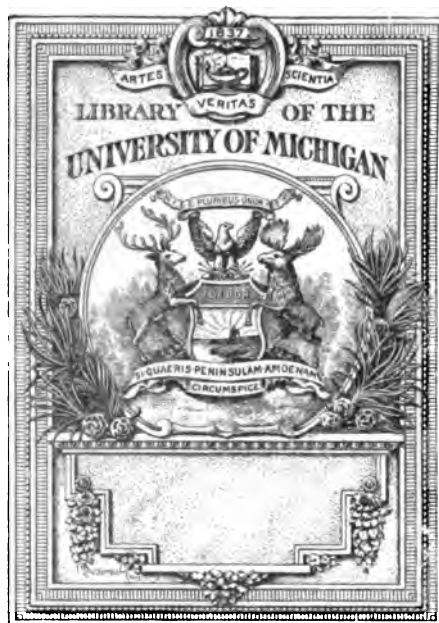
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B I L L S,

PUBLIC:

FIVE VOLUMES.

— (4.) —

PAISLEY PROVISIONAL ORDER

TO

TOWN HOLDINGS.

Session 1.—30 *January* 1900 — 8 *August* 1900.

Session 2.—3 *December* 1900 — 15 *December* 1900.

V O L. IV.

1900.

B I L L S:

1900.

FIVE VOLUMES:—CONTENTS OF THE

FOURTH VOLUME.

N.B.—*THE* Figures at the beginning of the line, correspond with the N° at the foot of each Bill; and the Figures at the end of the line, refer to the MS. Paging of the Volumes arranged for The House of Commons.

Paisley Waterworks Provisional Order :

289. Bill to confirm a Provisional Order under the Burgh Police (Scotland) Act, 1892, relating to Paisley Waterworks. p. 1

Palatine Court of Durham [H.L.] :

157. Bill, intituled, An Act to amend the Law relating to the Court of Chancery of the County Palatine of Durham. 7

Parliamentary Elections (Mariners Votes) :

103. Bill to enable Officers and Seamen of the Royal Navy and Mercantile Marine and Fishermen to record their Votes when by reason of their calling they will be at Sea on the day of the Poll. 13

Parliamentary Franchise (Extension to Women) :

35. Bill for extending the Parliamentary Franchise to Women. 25

Parliamentary Voters and Elections :

297. Bill to amend the Law relating to the Qualification and Registration of Parliamentary Voters and to Parliamentary Elections, and to the expenses of Returning Officers; and for other purposes in relation thereto. 29

Perth and Paisley Gas Provisional Orders :

243. Bill to confirm certain Provisional Orders under the Burgh Police (Scotland) Act, 1892, relating to Perth and Paisley. 43

Petroleum :

127. Bill to amend the Petroleum Act, 1879. 53

Petty Customs Abolition (Scotland) :

153. Bill to abolish Petty Customs in Scotland, and to make provision for levying a rate in lieu thereof. 59

Pier and Harbour Provisional Orders (No. 1) :

225. Bill to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Eastbourne, Ilfracombe, Lowestoft, and Portessie. 65

Pier and Harbour Provisional Orders (No. 2):

242. Bill to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Ayr, Bridlington, Felixstowe, and Penryn. p. 113

Police Reservists (Allowances):

91. Bill to authorise the grant out of Police Funds of certain Allowances and Gratuities in respect of Police Reservists who are called out on Permanent Service. 163

Poor Relief (Ireland):

261. Bill to amend the Poor Relief (Ireland) Acts, 1838 to 1892, with respect to relief given by the maintenance of Lunatics and Children, and with respect to the quantity of Land which may be acquired under those Acts. 167

Poor Removal:

176. Bill to amend the Law relating to the Removal of Paupers from England to Ireland. 171

Post Office Sites:

228. Bill to enable Her Majesty's Postmaster-General to acquire Lands in London, Bristol, Ilford, Sheffield, and Southampton, for the Public Service, and for other purposes. 175
274. Same [as amended by the Select Committee]. 183

Professional Accountants:

112. Bill to provide for the better Organisation of Professional Accountants. 191

Prohibition of Exportation of Arms [H.L.]:

314. Bill, intituled, An Act to amend the Laws relating to the Exportation of Arms, Ammunition, and Military and Naval Stores. 201

Public Health:

100. Bill to amend the Law as to the Qualifications and Tenure of Office of Sanitary Inspectors, and to make other relative provisions. 205

Public Health (Ireland):

191. Bill to remove doubts respecting the powers of the Local Government Board for Ireland for determining the Area on which certain Expenses are to be chargeable. 213

Public Health Acts Amendment:

48. Bill to amend the Public Health Acts [*not printed*]. 217

Public Houses (Scotland) Later Opening:

22. Bill to amend the Licensing (Scotland) Act, 1853. 219

Public Libraries [H.L.]:

245. Bill, intituled, An Act to amend the Acts relating to Public Libraries, Museums, and Gymnasiums, and to regulate the Liability of Managers of Libraries to Proceedings for Libel. 223

Public Works Loans:

280. Bill to grant Money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans. 231

Public Worship Regulation Act (1874) Amendment :

211. Bill to amend the Public Worship Regulation Act, 1874. p. 237

Quarries :

25. Bill to apply the Provisions of the Law relating to the Weighing of Minerals contracted to be gotten in Coal and Ironstone Mines to certain Quarries. 243
220. Same [as amended in Committee]. 251

Railway and Canal Traffic Act (1888) Amendment :

283. Bill to amend the Railway and Canal Traffic Act, 1888, and to provide for the better carriage by rail of Cycles. 259

Railway and Canal Traffic Acts Amendment :

308. Bill to amend the Railway and Canal Traffic Acts, 1854, 1873, and 1888. 263

Railways (Prevention of Accidents) .

78. Bill for the better Prevention of Accidents on Railways. 267
198. Same [as amended by the Standing Committee on Trade, &c.] 275
246. Same [as amended by the Standing Committee on Trade, &c., and on consideration as amended]. 283
299. Lords Amendments. 293

Reformatory and Industrial Schools (Scotland) :

139. Bill to authorise the transfer to the Secretary for Scotland of certain powers and duties under the Acts relating to Reformatory and Industrial Schools. 295

Registration of Electors :

68. Bill to amend the Law relating to the Qualification and Registration of Electors at any Election in England and Wales. 299

Registration of Firms :

10. Bill for the Registration of Firms. 303

Reserve Forces [H.L.] :

276. Bill, intituled, An Act to amend the Reserve Forces Act, 1882. 313

Rivers Pollution Prevention :

124. Bill to make more effectual provision for preventing the Pollution of Rivers and Streams. 317

Roman Catholic Disabilities Removal :

30. Bill for the removal of certain Disabilities affecting Roman Catholics in Great Britain and Ireland. 333

Sale of Intoxicating Liquors (Ireland) :

49. Bill to amend the Law relating to the Sale of Intoxicating Liquors in Ireland on Saturdays and Sundays, and for other purposes connected therewith. 339

Sale of Intoxicating Liquors on Sunday :

12. Bill to prohibit the Sale of Intoxicating Liquors on Sunday. 345

Sale of Intoxicating Liquors to Children :

33. Bill to prevent the Sale of Intoxicating Liquors to Children. p. 351

Sale of Intoxicating Liquors to Children (No. 2) :

38. Bill to amend and extend the Law relating to the prohibition of the Sale of Intoxicating Liquors to Children; and for other purposes connected therewith. 355

Sale of Intoxicating Liquors to Children (Scotland) :

133. Bill to prohibit the sale or supply of Exciseable Liquors to Children in Scotland. 359

Salmon Fisheries (Ireland) Acts Amendment :

131. Bill to amend the Salmon Fisheries (Ireland) Acts. 363

Savings Banks and Friendly Societies :

212. Bill to amend the Law with respect to the rate of Interest payable on Deposits in the Post Office Savings Bank, and on money invested with the National Debt Commissioners on behalf of Trustee Savings Banks and Friendly Societies, and for other purposes connected with Trustee Savings Banks. 367

School Board Elections (London) :

104. To alter the Divisions of London for the Election of the School Board, and thereby abolish the Cumulative Vote. 377

School Board Electorate (Scotland) :

96. Bill to admit to the School Board Electorate in Scotland all persons entitled to vote for the County Council Election. 381

Sea Fisheries :

144. Bill to amend the Acts relating to Sea Fisheries. 385

Sea Fisheries Regulation (Scotland) Act (1895) Amendment :

86. Bill to amend the Sea Fisheries Regulation (Scotland) Act, 1895. 391

Separate Assessment of Land :

200. Bill to provide for the Separate Assessment of Land, and to amend the Law relating to Parochial Assessments in England and Wales. 395

Sewage and Drainage (Local Authorities) :

193. Bill to enable Local Authorities to deal separately with the Sewage and Drainage of their Districts. 399

Shop Hours Act (1892) Amendment :

161. Bill to amend the Shop Hours Act, 1892 405

Shop Hours Acts Amendment :

117. Bill to amend the Shop Hours Acts. 409

Shops :

57. Bill to amend the Law relating to Shops. 413

Smaller Dwellings (Scotland) :

169. Bill to amend the Law relating to the Tenancy of Smaller Dwellings in Scotland. 421

Steam Engines and Boilers (Persons in Charge) :

77. Bill to grant Certificates to Persons in charge of Steam Engines and Boilers. p. 425

Street Noises :

21. Bill to control and regulate Street Noises. 431

Sunday Closing (Monmouthshire) :

2. Bill to extend to and include Monmouthshire in the Sunday Closing (Wales) Act, 1881. 435

Sunday Closing (Wales) Act (1881) Amendment :

53. Bill to amend the Sunday Closing (Wales) Act, 1881, and to make further provision respecting the Sale of Intoxicating Liquors in Wales. 439
291. Same [as amended by the Standing Committee on Law, &c.]. 447

Supplemental War Loan :

318. Bill to provide for raising a Supplemental Loan for the Service of the Year ending the thirty-first day of March nineteen hundred and one. 455

Supplemental War Loan (No. 2.) :

1. (Sess. 2.) Bill to provide for raising a further Supplemental Loan for the Service of the Year ending the 31st day of March nineteen hundred and one. 459

Teachers of Music Registration :

309. Bill for the Registration of Teachers of Music. 463

Teinds (Scotland) :

113. Bill to amend the Law of Teinds, and to provide for the stated Conversion of Fiars Prices in certain cases in Scotland. 475

Temperance Reform Threefold Option (Scotland) :

170. Bill to effect Direct Local Control of the Liquor Traffic in Scotland, and other Temperance Reforms. 489

Tenant Farmers (Sporting Rights) :

235. Bill to amend the Law with regard to the Sporting Rights of Tenant Farmers [not printed]. 499

Tenants in Towns Improvement (Ireland) :

29. Bill for improving the condition of Tenants in Towns in Ireland. 501

Tied Houses :

321. Bill for the abolition of Tied Houses. 519

Tithe Rentcharge (Ireland) :

97. Bill to amend the Law relating to Tithe Rentcharge in Ireland. 523
316. Lords Amendments. 529

Town Councils (Scotland) :

36. Bill to consolidate and amend the Law relating to the Election and Proceedings
of Town Councils in Scotland. p. 533
265. Same [as amended by the Standing Committee on Law, &c.] 583
319. Lords Amendments. 633

Town Holdings :

180. Bill to give Compensation to occupying Tenants of Town Holdings for
beneficial Improvements. 645
-

[63 & 64 VICT.] *Paisley Waterworks Provisional Order.*

1

A

B I L L

TO

Confirm a Provisional Order under the Burgh Police (Scotland) Act 1892 relating to Paisley Waterworks. A.D. 1900.

WHEREAS Her Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the Provisions of the Burgh Police (Scotland) Act 1892 and it is requisite that the said Order should be confirmed by Parliament:

55 & 56 Vict.
c. 55.

5 Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed.

Confirmation
of Provi-
sional Order.

2. This Act may be cited as the Paisley Waterworks Provisional Order Confirmation Act 1900.

Short title.

A.D. 1900.

SCHEDULE.

PROVISIONAL ORDER.

WHEREAS by the Burgh Police (Scotland) Act 1892 it is (inter alia) provided (section 45) that whenever it shall appear to the Commissioners of any burgh to which that Act applies that they require additional powers for the better carrying out of the purposes of that Act and specially powers relating to the supply of gas or water or to the roads and streets or to drainage or sewers or the utilization of sewage in addition to the powers conferred by the Public Health Acts or for the repeal or amendment of any local Acts of Parliament relating to such subjects or their adaptation and adjustment to the provisions of the Act now in recital or for the other purposes therein mentioned they may apply to the Secretary for Scotland for a Provisional Order and (section 46) that after such inquiry as the Secretary for Scotland may direct it shall be lawful for him to issue a Provisional Order either in accordance with the prayer of the application or with such modifications or alterations as may appear to him requisite but no Provisional Order shall be of any validity unless the same has been confirmed by Act of Parliament.

And whereas the said Burgh Police (Scotland) Act 1892 is in force within the Burgh of Paisley in the County of Renfrew and the magistrates and town council thereof (hereinafter called "the magistrates and town council") are the commissioners under the said Act within the said burgh.

And whereas by the Paisley Waterworks Act 1854 (hereinafter called "the Act of 1854") the magistrates and town council were appointed Commissioners for executing that Act and were empowered to purchase and acquire the undertaking of the Paisley Water Company and to supply the said burgh suburbs and places adjacent with water and to construct additional waterworks for the purpose of increasing such supply and to borrow the sum of seventy thousand pounds to defray the expense of such works in addition to such sums as might be required in relation to the acquisition of the said undertaking.

And whereas the magistrates and town council duly acquired the said undertaking and by the Paisley Waterworks Act 1866 (herein-after called "the Act of 1866") the magistrates and town council were empowered to provide an increased supply of water to the said burgh the suburbs thereof and other places adjacent thereto and to make and maintain additional waterworks and to borrow on mortgage or by the creation of funded debt such sum as should be required in relation to the acquisition of the said undertaking and also any sums not exceeding eighty thousand pounds on security of the rates and charges leviable under the provisions of the Act of 1866 and the Act of 1854 so far as regards inter alia the power to borrow money (which power had not been exercised) was repealed.

And whereas by the Paisley Waterworks Act 1876 (herein-after called "the Act of 1876") the magistrates and town council were authorised to construct new

waterworks and to borrow the further sum of fifty thousand pounds on security of the rates and charges leviable under the Act of 1866. A.D. 1900.

And whereas by the Paisley Waterworks Act 1881 (herein-after called "the Act of 1881") the magistrates and town council were authorised to construct
5 additional works and to borrow a further sum of one hundred and sixty-five thousand pounds on the security of the rates and charges leviable under the Act of 1866 and the Act of 1881.

And whereas by the Paisley Waterworks Provisional Order Confirmation Act 1897 (herein-after called "the Order of 1897") the magistrates and town council
10 were authorised to borrow the additional sum of fifty thousand pounds upon security of the last-mentioned rates and charges and section 24 of the Act of 1881 was amended accordingly.

And whereas the magistrates and town council have presented a petition to me as Secretary for Scotland setting forth the above-mentioned Acts and Order
15 and representing to me that the magistrates and town council have borrowed and applied for the purposes of the Acts of 1854 1866 1876 and 1881 the whole amount they were by the Acts of 1866 1876 and 1881 and the Order of 1897 authorised to borrow that the demand for water in the said Burgh of Paisley and the suburbs and places adjacent thereto has increased and is increasing
20 necessitating the construction by the magistrates and town council of additional waterworks and the extension of their water mains and pipes and that it has become necessary and that it is expedient that the magistrates and town council should be authorised to borrow for the purpose of defraying the cost of such works and extensions the additional sum of two hundred thousand pounds
25 upon the security of the rates and charges leviable by them under the Act of 1866 and the Act of 1881.

And whereas due inquiry having been directed and held in respect of the matters mentioned in the said petition I have resolved to issue a Provisional Order in the terms herein-after expressed :

30 Now therefore in pursuance of the powers vested in me by the Burgh Police (Scotland) Act 1892 I as Secretary for Scotland do by this Provisional Order direct as follows :—

1. From and after the passing of the Act confirming this Order section 24 of the Act of 1881 shall be read as if the words four hundred and fifteen
35 thousand pounds had been inserted therein instead of the words one hundred and sixty-five thousand pounds Provided that all moneys borrowed by the magistrates and town council under the authority of this Order shall be applied only for the purpose of constructing the several works specified in the Schedule hereto and all works necessary for the proper working and use of the same and for the purchase of land and
40 wayleaves and in payment of the costs charges and expenses of and incident to the preparing for obtaining and confirming this Order.
2. All mortgages granted and all funded debt created under the authority of the Acts of 1866 1876 1881 and the Order of 1897 and subsisting at the
45 passing of the Act confirming this Order shall while subsisting and without prejudice to their priorities inter se have priority over any mortgage granted and any funded debt created by the magistrates and town council under the authority of this Order.

[289.]

A 2

4. *Paisley Waterworks Provisional Order.* [63 & 64 VICT.]

- A.D. 1900. 3. The magistrates and town council shall by means of the sinking fund directed to be formed by section 30 of the Act of 1881 pay off all money borrowed by them under the authority of this Order within fifty years from the date or dates of borrowing the same. Provided that the said last-mentioned section shall as regards money borrowed under the authority of this Order be read as if the rate of interest at which the accumulations of the sinking fund are to be calculated were three per centum per annum instead of four per centum per annum. Provided also that the payments into the sinking fund on account of any loan for paying the costs charges and expenses of this Order shall be sufficient to pay off such loan within five years from the date of borrowing the same. 5 10

Given under my hand and seal at Whitehall this fourth day of July one thousand nine hundred.

(L.S.)

BALFOUR OF BURLEIGH.

SCHEDULE.

15

1. A conduit or line of pipes between Camphill Reservoir and Rowbank Reservoir.
2. A conduit or line of pipes between Rowbank Reservoir and Stanely High Level Filters.
3. A conduit or line of pipes between Glenburn Reservoir and Stanely High Level Filters. 20
4. An extension of the filtering area and clear water tanks.
5. A conduit or line of pipes between Craigenfeoch Filters and Johnstone.
6. Extensions and alterations on existing lines of piping throughout the water supply district of the magistrates and town council. 25

Paisley Waterworks Provisional Order.

A

B I L L

To confirm a Provisional Order under
the Burgh Police (Scotland) Act 1892
relating to Paisley Waterworks.

*(Prepared and brought in by
The Lord Advocate and Mr. Anstruther.)*

*Ordered, by the House of Commons, to be Printed,
9 July 1900.*

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[Bill 289.]

Palatine Court of Durham Bill. [H.L.] ---

ARRANGEMENT OF CLAUSES. ---

Clause.

1. Transfer to Consolidated Fund of liability for salary of chancellor of Durham.
2. Fees and expenses.
3. Provision as to judge.
4. Provision as to registrar.
5. Moneys and securities in court.
6. Jurisdiction of palatine court.
7. Citation.

SCHEDULE. ---

A
B I L L

INTITULED

An Act to amend the Law relating to the Court of A.D. 1900.
Chancery of the County Palatine of Durham.

[NOTE.—*The words enclosed in brackets and underlined are
proposed to be inserted in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

- 5 1. The Ecclesiastical Commissioners shall pay to the Exchequer out of their common fund such capital or annual sum as may be agreed between the Ecclesiastical Commissioners and the Treasury, and thereupon, as from the date of such payment, the liability of the Ecclesiastical Commissioners in respect of the salary of the
10 chancellor of Durham (in this Act called the judge) shall cease, [and the salary shall be paid out of the Consolidated Fund.]

Transfer to Consolidated Fund of liability for salary of chancellor of Durham.

- 2.—(1.) The Lord Chancellor may, with the sanction of the Treasury, prescribe the scale of fees to be charged for or in respect of proceedings in the palatine court, and the Treasury shall direct
15 by whom and in what manner those fees are to be collected and accounted for, and to what account they are to be paid.

Fees and expenses.

- (2.) As from a date to be fixed by the Treasury the registrar of the palatine court shall cease to be paid by fees, [and his salary and such expenses incidental to the maintenance of the palatine court as the Treasury may allow, shall be paid out of moneys provided by Parliament.]

- 20 3.—(1.) The salary of the judge shall be of such amount as the Lord Chancellor may with the concurrence of the Treasury direct.

Provision as to judge.

- Provided that at the expiration of any period of five years the
25 Lord Chancellor, with the like concurrence, may vary the said salary with reference to any variation in the amount of the business of the palatine court.

[Bill 157.]

A

A.D. 1900. (2.) A person shall not be appointed judge unless he is a barrister of not less than ten years standing.

(3.) It shall be lawful for Her Majesty the Queen to remove the judge for inability or misbehaviour.

Provision as to registrar.

4.—(1.) The right of appointing a registrar of the palatine court shall be vested in the judge, with the approval of the Lord Chancellor, but a person shall not be qualified to be appointed registrar of the palatine court unless he is a barrister or solicitor of not less than seven years standing.

42 & 43 Vict. c. 78.

(2.) As from a date to be fixed by the Treasury, the registrar shall be subject to sections fifteen to twenty of the Supreme Court of Judicature (Officers) Act, 1879, in like manner as if he were an officer of the Supreme Court.

39 & 40 Vict. c. 59.

(3.) The registrar shall have the like power of appointing a deputy as if he were a district registrar of the Supreme Court, and section twenty-two of the Appellate Jurisdiction Act, 1876, shall apply accordingly.

Moneys and securities in court.

[5. All moneys or securities paid or transferred into the palatine court, whether before or after the passing of this Act, shall be paid or transferred to the Paymaster General, and the rules of the Supreme Court with respect to funds in court shall apply to them as if they were funds within the meaning of those rules.]

Jurisdiction of palatine court.

6.—(1.) The jurisdiction of the palatine court shall be such of the jurisdiction exercisable by the High Court through the Chancery Division thereof as Her Majesty the Queen in Council may from time to time by Order direct.

(2.) The enactments mentioned in the schedule to this Act are hereby repealed to the extent therein mentioned ;

Provided that the existing jurisdiction of the palatine court shall continue until any Order in Council is made in pursuance of this section.

Citation.

52 & 53 Vict. c. 47.

7. This Act may be cited as the Palatine Court of Durham Act, 1900, and the Palatine Court of Durham Act, 1889, and this Act may be cited together as the Palatine Court of Durham Acts, 1889 and 1900.

SCHEDULE.

A.D. 1900.

Session and Chapter.	Short Title.	Extent of Repeal.
52 & 53 Vict. c. 47. - 5	The Palatine Court of Durham Act, 1889.	In section one the words "and orders "as to fees" and the words "and "of regulating the fees to be paid "by suitors in the said palatine "court, or to be allowed to the "officers thereof, or to the solici- "tors practising therein." Sections six, seven, nine, and ten.
56 & 57 Vict. c. 53. - 10	The Trustee Act, 1893.	Section forty-six, so far as it relates to the Palatine Court of Durham.

Palatine Court of Durham. [H.L.]

A

B I L L

INTITLED

An Act to amend the Law relating to
the Court of Chancery of the County
Palatine of Durham.

(*Brought from the Lords, 22 March 1900.*)

*Ordered, by The House of Commons, to be Printed,
29 March 1900.*

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[Bill 157.]

A

B I L L

TO

Enable Officers and Seamen of the Royal Navy and Mercantile Marine and Fishermen to record their Votes when by reason of their calling they will be at Sea on the day of the Poll. A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

5 1. This Act may be cited as the Parliamentary Elections (Mariners Votes) Act, 1900. Short title.

2. In this Act the expression "marine voter" means—

Interpreta-
tion.

- (i) any officer or man in or belonging to Her Majesty's Navy and borne on the books of any one of Her Majesty's ships in commission ;
- 10 (ii) any officer or man of the Royal Marines borne on the books of any one of Her Majesty's ships in commission ;
- (iii) any master or seaman having signed an agreement or articles for a voyage in any British ship ;
- 15 (iv) any skipper or seaman lawfully engaged to serve on any British fishing boat entered on the fishing boat register ;
- (v) any qualified pilot ;

20 whose name is at the time of his recording his vote at a parliamentary election under the provisions of this Act upon the parliamentary register of electors for the area to which the election relates, and who is not prohibited from voting at that election by any Act of Parliament.

The expressions "master," "skipper," "seaman," and "qualified pilot" respectively have the same meanings as in the Merchant Shipping Act, 1894.

The expression "returning officer" includes a deputy returning officer duly appointed.

[Bill 103.]

A

A.D. 1900.
 Voting by
 marine
 voters.

3. Where at any time after the *passing of this Act* a writ has been issued for a parliamentary election, the following provisions shall have effect :—

- (1.) The returning officer shall on the day on which he receives the writ or on the following day give public notice appointing the time and place at which the votes of marine voters may be recorded under this Act. 5
- (2.) Such place (in this Act referred to as the office of the returning officer) shall be situate within the area in which the election is pending, and the returning officer shall attend thereat for the purposes of his duties under this Act during the hours specified in the said notice being not less than two hours on the day following the publication of the said notice and on every subsequent day up to and including the day of the nomination and in case the election is contested up to and including the day preceding the day of the poll. 10 15
- (3.) Any marine voter may, together with another person, who shall be a householder residing in the area in which the election is pending, attend at the office of the returning officer at any time during the hours appointed by the said notice, and may, together with such other person, and in the presence of the returning officer, make a declaration (in this Act referred to as a marine voter's declaration) in the form set out in the first part of the schedule to this Act, and may deliver such declaration to the returning officer, who shall, upon the application of the marine voter, receive and subscribe the same. 20 25
- (4.) When the returning officer has received and subscribed a marine voter's declaration he shall, on the application of the marine voter, exhibit to him a paper (in this Act referred to as a voting paper) in the form set out in the second part of the schedule to this Act, and shall permit such voter to read and examine the same. He shall then inform the marine voter as to the number of candidates for whom such voter is entitled to vote in the event of the said election being contested. 30 35
- (5.) The returning officer shall then, upon the request of the marine voter, made in the hearing of the returning officer only, write upon the central fold of the front of such voting paper the surname and other names of any person or persons (not exceeding the number for whom such voter is entitled to vote) named by such voter as being the person or persons for whom he desires to vote in the event of the said election being contested, and such person or persons being a candidate or 40

A.D. 1900.

candidates thereat. He shall then fold the lower fold of the voting paper over the central fold of the front thereof so as to conceal the names of the person or persons voted for, and shall securely fasten down the edge of the lower fold to the upper edge of the central fold.

(6.) The returning officer shall then write on the back of the lower fold of the voting paper the name and number on the register of voters of the marine voter, and the date, and shall sign the said writing and affix the seal thereto. The said writing shall also be signed by the person who joined with the marine voter in making the marine voter's declaration, and the voting paper and the said declaration shall be kept in the custody of the returning officer until the time herein-after mentioned.

(7.) The returning officer shall make and keep a list (in this Act referred to as the marine voters list) of all marine voters who have recorded their votes before him under this Act. The said list shall contain the name of each such marine voter and his number on the register of voters, and the date upon which he so recorded his vote.

(8.) When any person applies to the returning officer to receive and subscribe a marine voter's declaration, the returning officer shall consult the marine voters list, and if the person so applying represents himself to be a particular marine voter whose name is entered upon the said list as having already voted at that election, such person shall, upon duly answering the questions specified, and taking an oath in the form set out, in the third part of the schedule to this Act, be entitled to make a marine voter's declaration, and to vote as a marine voter under the provisions of this Act, but the returning officer shall write the word "tendered" upon the back of the voting paper of any such person, and any voting papers so indorsed shall be kept separate from the other voting papers and no vote given by any such voting paper shall be counted. And the name of the voter and his number on the register shall be entered on a list which shall be called "the list of tendered mariners' votes."

(9.) Subject to the provisions of this Act the returning officer shall carefully preserve in his custody every marine voter's declaration, voting paper, and list coming to his hands or kept by him under this Act, and shall not permit the same to be inspected by any person.

A.D. 1900.

- (10.) The returning officer shall give to every person coming before him for the purposes in this section mentioned, such explanations and assistance as may seem to him necessary or expedient for enabling a marine voter to record his vote under the provisions of this Act. 5
- (11.) The production from the proper custody of a voting paper filled up, signed, and sealed in the manner in this section mentioned shall, as regards such voting paper, be conclusive evidence that the requirements of this section as to the manner of voting by marine voters have been complied with. 10
- Dealing with documents where elections un-contested. 4. If any election in respect of which a marine voter has voted under the provisions of this Act be not contested, the returning officer shall, after the election of the candidates or candidate has been declared, forthwith cause to be destroyed any marine voter's declaration, voting paper, and list in his custody by virtue of this Act. 15
- Procedure where election contested. 5. If any such election be contested the following provisions shall have effect :—
- (1.) The returning officer shall, on the day preceding the day of the poll, as soon as practicable after the time appointed for the recording of the votes of marine voters shall have expired, cause the marine voters list to be suspended or affixed in a prominent place in his office, and shall permit any candidate at the election, or his duly authorised agent, to inspect and take copies of the same. 20 25
- (2.) The returning officer shall provide each polling station with copies of the marine voters list, or such part thereof as contains the name of any voter allotted to vote at such station.
- (3.) The returning officer shall immediately after the close of the poll bring to the place appointed for the counting of the votes, all voting papers received by him under this Act, and shall before the ballot boxes are opened, upon request, allow any counting agent to inspect the back of any such voting paper. 30
- (4.) After he has allowed such time as seems to him reasonable for the purposes last above mentioned, the returning officer shall securely fasten the upper fold of the front of each voting paper over the lower fold of the back thereof so as to conceal the name and number on the register of the marine voter, and shall mix together the whole of such voting papers. He shall then open each voting paper by means of the perforation in the central fold thereof, and shall proceed to record the number of 35 40

votes given by such voting papers for any person who is a candidate for election at the poll. A.D. 1900.

The votes so given to any candidate shall at the close of the counting be added to the votes given for him by means of ballot papers.

(5.) If by any voting paper a vote is purported to be given for a person not a candidate for election at the poll, such vote shall be void and not counted, and the returning officer shall forthwith cause such voting paper to be destroyed. Provided that if the voter was entitled to vote, and has voted by means of such voting paper, for more persons than one, and one of the persons so voted for is a candidate for election at the poll, the returning officer shall in lieu of causing such voting paper to be destroyed erase therefrom the name of the person not a candidate and count the vote given for the candidate, and deal with the voting paper as a voting paper by which a valid vote is given.

(6.) Upon the completion of the counting the returning officer shall seal up in a packet the voting papers by which valid votes were given, and shall deal with the said packet and with the marine voters declarations and list and the list of tendered mariners votes in the same manner in which he is required by rule thirty-eight of Part I. of the First Schedule to the Ballot Act, 1872, to deal with the papers and things in the said rule mentioned.

(7.) The rules contained in Part I. of the First Schedule to the Ballot Act, 1872, relating to the retention and destruction and inspection of documents relating to an election, shall apply as if the documents lastly in this section mentioned were specified therein, and the expression "ballot papers" in the said rules shall be deemed to include voting papers by which valid votes are given.

6.—(1.) Section three, except sub-section (4) thereof, and sections Offences.

four and twenty-four of the Ballot Act, 1872, shall be read and construed as part of this Act, provided that in the application of the said sections to proceedings under this Act the expressions "polling station," "ballot paper," "marking his vote," and "number on the back," shall be deemed to include "office of the returning officer," "voting paper," "voting as a marine voter," and "number or name on the back" respectively, and in sub-section (6) of section three a reference to opening a voting paper shall be substituted for the reference to opening a ballot box

A.D. 1900.

(2.) Section eleven of the Ballot Act, 1872, shall apply to a returning officer or clerk who is guilty of any wilful misfeasance or wilful act or omission in contravention of this Act as if the same were in contravention of the Ballot Act, 1872.

(3.) For the purposes of this Act, sections seven and fourteen of 5 the Corrupt and Illegal Practices Prevention Act, 1883, shall be read and construed as if the expression "the conveyance of electors to or from the poll," included "the conveyance of marine voters to or from the office of the returning officer."

(4.) Any person signing, subscribing, indorsing, attesting, cer- 10 tifying, or tendering as genuine any false or falsified voting paper knowing the same to be false or falsified, and any person falsely making a marine voter's declaration shall be guilty of a corrupt practice within the meaning of the Parliamentary Elections Act, 1868, and the Corrupt and Illegal Practices Prevention Act, 1883, 15 and shall be punishable accordingly.

Duties of
returning
officer.

7. Every returning officer shall provide such voting papers and forms of marine voters declarations, copies of register of voters, and other things, appoint and pay such officers, and do such other acts and things as may be necessary for effectually carrying out the 20 provisions of this Act.

Inspection
of agree-
ments with
crews.

8. Every superintendent of a mercantile marine office shall, upon the application of any candidate at a parliamentary election or his duly authorised agent, and upon payment of such fee as may be prescribed by the Board of Trade, produce, for the inspection of 25 the person so applying, any agreement with a crew or fishing boat's agreement in his possession or under his control, and shall permit copies to be taken thereof.

Vote not to
be invali-
dated by
death of
voter before
poll.

9. No vote given by a marine voter under the provisions of this Act shall be invalidated by reason only of the death of such voter 30 after he has given his vote and before the close of the poll at the election.

Effect of
schedule
and of
mistakes
in use of
forms.

10. The schedule to this Act and the notes therein shall have effect as part of this Act, provided as follows:—

(1.) No misnomer or inaccurate description of any person, place, 35 or thing named in any voting paper, marine voter's declaration, or other document under this Act shall hinder the full operation of such voting paper, declaration, or document with respect to that person, place, or thing, provided the name or description thereof is such as to be commonly understood.

40

(2.) No election shall be declared invalid by reason of a mistake in the use of the forms in the schedule to this Act, if it appears to the tribunal having cognizance of the question that the provisions of this Act have been substantially complied with, and that such mistake did not affect the result of the election.

A.D. 1900.

5

11. Nothing in this Act shall apply to any election for a university or combination of universities.

Application
of Act.

A.D. 1900.

The SCHEDULE.

PART I.

FORM OF MARINE VOTER'S DECLARATION.

(a) Name of marine voter.
 (b) Name of householder.
 (c) Name of borough, county, or division.
 (d) Insert copy of entry on the register.
 (e) State whether as master, seaman, or in what capacity.
 (f) Name of vessel.
 (g) State, shortly the extent of the proposed voyage.
 (h) State probable duration of voyage.
 (i) County or borough, or as the case may require.
 (w) State rank or capacity.
 (x) Name of ship.
 (y) Name of port.
 (z) State probable duration of voyage.
 (aa) State in what capacity.
 (bb) State letter and number in fishing boat register or other sufficient description.
 (cc) State name of port.
 (dd) State probable duration of voyage.

We, *A.B.*, (a) of and *C.D.* (b) of
 solemnly and sincerely declare as follows:— 5
 And first I, *A.B.* (a) for myself say:—
 1. I am the person registered upon the Parliamentary Register of electors
 for (c) as follows (d)
 2.*† I have signed articles of agreement dated the day of
 19 whereby I have engaged to go to sea on the day of 10
 next as a (e) in the ship (f) upon a voyage from (g)
 to
 and I verily believe that I shall be absent in pursuance of my said engagement
 for at least (h)
 And I, *C.D.*, (b) for myself say:— 15
 3. I am a householder in the (c) and I reside at
 4. I am personally acquainted with the above-named *A.B.* and I have read
 the foregoing declaration made by him, and I know of my own knowledge
 that the facts therein stated are true.
 Signature of marine voter 20
 Signature of householder
 The foregoing declaration was made and signed before me this
 day of 19 .
 Returning officer for the (i)
 * In the case of an officer or man of Her Majesty's Navy or the Royal Marines, the following form 25
 may be substituted for clause 2 of the declaration:—
 2. I am required by the duties of my service to go to sea as a (w) in Her Majesty's
 ship (x) which is under orders to leave (y) on the day of
 next, and I verily believe that I shall be absent in the performance of my duties on board the said 30
 ship for at least (z)
 † In the case of a skipper or seaman lawfully engaged to serve on a British fishing boat entered on
 the fishing boat register, the following form may be substituted for clause 2 of the declaration:—
 2. I am lawfully engaged and liable to serve as a (aa) on board the fishing
 boat (bb) and I am required to proceed to sea in the said fishing boat on the
 day of next, from the port of (cc) and I verily believe that I 35
 shall be absent in pursuance of my said engagement for at least (dd)

A.D. 1900.

PART II.
FORM OF VOTING PAPER.
Form of Front of Voting Paper.

A.D. 1900.

PART III.

FORM OF QUESTIONS TO BE PUT AND OF OATH TO BE ADMINISTERED
TO APPLICANT UNDER SECTION 3 (8) OF THE ACT.*Form of Questions.*

- (a) State name of borough, county, or division. 1. Are you the person entered in the Parliamentary Register of electors for the (a) as follows: 5
- (b) Read the whole entry from the register. (b) ? 2. Have you already voted as a marine voter at the parliamentary election now pending in the said (a)

Form of Oath.

10

* "You do swear that you are the same person whose name appears as *A.B.* on the Parliamentary Register of electors for the (a) and that you have not already voted as a marine voter at the parliamentary election now pending in the said (a)

So help you God."

15

* Any person entitled to affirm in lieu of taking an oath may affirm in the following form :—

"I, *A.B.*, do solemnly, sincerely, and truly declare that I am the same person whose name appears as *A.B.* on the Parliamentary Register of electors for the (a) and that I have not already voted as a marine voter at the parliamentary election now pending in the said (a)

20

Parliamentary Elections (Mariners Votes).

A

B I L L

To enable Officers and Seamen of the
Royal Navy and Mercantile Marine
and Fishermen to record their Votes
when, by reason of their calling they
will be at Sea on the day of the Poll.

*(Prepared and brought in by
Sir Cameron Gull, Sir Elliott Lees,
Sir Thomas Richardson, Sir John Colomb,
Captain Philpotts, and Mr. Joseph A. Pease.)*

*Ordered, by The House of Commons, to be Printed,
27 February 1900.*

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[*Price 1½d.*]

[Bill 108.]

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OCT 24 1909

[63 VICT.] *Parliamentary Franchise (Extension to Women).* 1

A
B I L L

FOR

Extending the Parliamentary Franchise to Women. A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5 1. This Act may be cited as the Parliamentary Franchise Short title.
(Extension to Women) Act, 1900.

2. On and after the *passing of this Act* every woman who is the inhabitant occupier as owner or tenant of any dwelling-house, tenement, or building within the borough or county where such
10 occupation exists, shall be entitled to be registered as a voter in the list of voters for such borough or county in which she is so qualified as aforesaid, and, when registered, to vote for a member or members to serve in Parliament:

Qualification
of women
for parlia-
mentary
franchise.

15 Provided always that such woman is not subject to any legal incapacity which would disqualify a male voter.

[Bill 35.]

Parliamentary
Franchise (Extension
to Women).

A

B I L L

For extending the Parliamentary
Franchise to Women.

(Prepared and brought in by
Mr. Faithfull Begg, Mr. Pirbank,
Mr. Atherton Jones, Sir John William Macdure,
Sir Albert Rolitt, Mr. William Johnston,
Mr. Jebb, Mr. Courtney, Mr. McLaren,
Colonel Cotton-Jodrell, Captain Young, and
Mr. Douglas.)

Ordered, by The House of Commons, to be Printed,
2 February 1900.

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30, West Nile Street, Glasgow; or
HODGES, FIGGIS, & CO., LIMITED, 104, Grafton Street, Dublin.

[Price 1d.]

[Bill 35.]

Parliamentary Voters and Elections Bill.

MEMORANDUM.

The objects of this Bill are as follows :—

Clause 2 provides for the shortening of the qualifying period to three months in all cases.

Clause 3 provides for the principle of one man one vote.

By Clause 4, voters removing from one constituency to another are to carry with them their right to vote for a member of Parliament, subject to one month's residence in the new constituency.

Clause 5 provides that general elections shall be held on one and the same day.

Clause 6 proposes to enact that exemption from or failure to pay poor rates or assessed taxes shall not disqualify.

Clause 7 entitles each actual and *bonâ fide* joint householder to a vote.

Clause 8 entitles joint occupiers under the service franchise to a vote.

Clause 9.—Section 10 of the Redistribution of Seats Act, 1885, allows a voter to remove from one part of a divided parliamentary borough to another without losing the benefit of reckoning his former residence in the qualifying period. This clause is intended to extend the benefit of the section to divided counties as well as to boroughs.

Clause 10 removes the 10% limitation in the case of lodgers and the restriction which forbids that more than two joint-lodgers shall be entitled to be registered as voters.

Clause 11.—This clause gives to lodgers the benefits of section 10 of the Redistribution of Seats Act, 1885, as to which *see* under Clause 9 above.

Clause 12 provides that the claim of a lodger failing to attend the Registration Court shall be considered withdrawn.

Clause 13 proposes to enact that the returning officer's expenses are to be borne by the rates.

Clause 14 contains definitions of the expressions "Representation of the People Acts," "Registration Acts," and "Rating Acts" used in the course of this Bill.

A

B I L L

TO

Amend the Law relating to the qualification and registration of Parliamentary Voters and to Parliamentary Elections, and to the expenses of Returning Officers, and for other purposes in relation thereto. A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1. This Act may be cited for all purposes as the Parliamentary Voters and Elections Act, 1900.

QUALIFYING PERIOD OF RESIDENCE.

- 10 2. Whenever in the Registration Acts or in the Representation of the People Acts there is provided a qualifying period of occupation or of residence or of proprietorship in the case of an occupier, inhabitant occupier, lodger, or proprietor, as the case may be, a period of *three calendar months* shall in each case be read in substitution for any period so provided. Three months substituted for twelve months period of qualification.

- 15 Any provision in the said Acts to the effect that such qualifying period shall immediately precede some particular date or dates is hereby repealed, and it shall be sufficient if such qualifying period immediately precede the date by which the list of parliamentary voters is by law required to be prepared, published, and advertised.

PLURAL VOTING.

- 20 3.—(1.) Where a parliamentary elector votes at a parliamentary election in one constituency, he shall not, while the then current parliamentary register of electors is in force, vote at a parliamentary election in any other constituency. Voting in one constituency only.

[Bill 297.]

A

A.D. 1900.

(2.) If a person at a parliamentary election either votes or applies for a ballot paper in a constituency in which he is not under this section entitled to vote, he shall be guilty of an illegal practice within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883. 5

(3.) The question in the First Schedule to this Act may be asked of a person at a poll at a parliamentary election in addition to those authorised already to be asked, and unless the answer is in the negative, the person shall not vote, and in the case of an university election, the declaration in the said schedule shall be added to the voting paper. 10

(4.) Section eighty-one of the Parliamentary Voters Registration Act, 1843, and section three of the Parliamentary Elections and Corrupt Practices Act, 1880, and the enactments amending the same, shall apply as if the said question were contained in these sections, and the said sections and enactments, shall with the 15 necessary modifications, extend to university elections, and further, if a voter gives a false answer to any such question, he shall be guilty of an illegal practice within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883.

(5.) The paragraph in the First Schedule to this Act shall be 20 added at the end of the forms of notice of parliamentary election, and of directions for the guidance of the voter set forth in the Second Schedule to the Ballot Act, 1872.

VOTERS REMOVING.

Voters
removing
from one
constituency
to another.

4. Any man whose name appears on an authenticated list or 25 register of Parliamentary voters revised and corrected as by law required shall, on or at any time after removing from residence within the area for which such register is made up be entitled to demand in writing (in the form in the Second Schedule to this Act) from the officer charged under the Registration Acts with the 30 custody of the same a certificate in the form in the said Second Schedule, and such officer shall thereupon issue such certificate free of all charge and thereupon remove the name of the voter from the register by drawing a line across the same and writing the word "transferred" opposite thereto. The voter receiving such certificate 35 after residing elsewhere in Great Britain or Ireland for the space of at least *one calendar month* continuously (whether as an occupier, inhabitant occupier, lodger or proprietor) shall, on presenting a declaration (in the form in the Second Schedule to this Act) as to his identity with the person named in the said certificate and as to 40 the fact of residence as aforesaid to the officer charged under the Registration Acts with the custody of the list or register of voters

in force at his new place of residence, be entitled to be registered on such list or register as a voter and such officer shall enter his name accordingly, and such voter shall be entitled to vote at a Parliamentary election in such new place of residence. Provided
 5 always that such certificates shall be made an exhibit to the said declaration and shall have endorsed thereon a memorandum to the effect contained in the said Second Schedule, which memorandum shall be signed by the justice of the peace or other person before
 10 whom the declaration is made: and provided further that no voter shall be entitled to be so registered after the issue of the writ for an election in any constituency. Any one who shall knowingly make the declaration required by this section falsely shall be deemed to be guilty of a misdemeanour within the meaning of the Statutory Declarations Act, 1835, and shall be punishable accordingly.

A.D. 1900.

15 POLLS ON ONE DAY.

5. Whenever Her Majesty the Queen issues a proclamation summoning a new Parliament the following provisions shall apply with respect to the day of the general election of members to serve in that Parliament, and the day of the poll at such election:—
- 20 (a.) The day of the poll shall (except in the universities) be the same day in every constituency.
- (b.) The day of the poll shall be the *second or third Saturday* after the proclamation, according as is fixed by the proclamation, but shall not be less than *eight* nor more than *thirteen*
 25 clear days after the issue of the writs, and every writ for the election shall command the returning officer in the event of a poll to take it on the day so fixed, and for that purpose the addition set out in the First Schedule to this Act shall be made to the form of the writ.
- 30 (c.) The day of election shall be such day as may be fixed by the returning officer, not being less than *three* clear days before the day of the poll, and more than *two* clear days after the day on which public notice of the election is given under the Ballot Act, 1872.
- 35 (d.) The said public notice shall be given by the returning officer on the day on which he receives the writ or official telegraphic information of the writ having been issued, or on the following day; and the returning officer on receiving such official telegraphic information shall proceed as if he had actually
 40 received the writ.

Parliamentary elections to be on same day.

A.D. 1900.

(e.) So much of rules one, two, and fourteen of the First Schedule to the Ballot Act, 1872, as are inconsistent with this section shall not apply.

(f.) The time appointed for the meeting of the Parliament may be any time not less than *twenty* clear days after the proclamation. 5

(g.) For the purposes of this section, time shall be reckoned in the same manner as for the purposes of the Ballot Act, 1872.

POOR RATES AND ASSESSED TAXES.

Exemption
from or non-
payment of
poor rates or
assessed
taxes not to
disqualify.

6. Notwithstanding any enactment to the contrary contained in the Registration Acts, the Representation of the People Acts, or the Rating Acts, exemption from or failure to make payment of poor rates or of assessed taxes shall not disqualify any man from being registered as a voter, and, when registered, from voting. The provisions of the said Acts in regard to the demanding payment of poor rates, and the relief against the erroneous or improper exemption from payment of poor rates, in so far as the same relate to the qualification and registration of parliamentary voters and to parliamentary elections, are hereby repealed. 15

JOINT OCCUPATION.

Joint house-
holders.

7. Where two or more persons being otherwise duly qualified to become voters are in the actual and bona fide occupation jointly of a holding which if occupied by one only would have entitled him to be registered as a voter under the Representation of the People Act, 1867, the Representation of the People (Scotland) Act, 1868, or the Representation of the People Act, 1884, each such joint occupier shall be entitled to be registered as a voter. 25

So much of section three of the Representation of the People Act, 1867, and of the Representation of the People (Scotland) Act, 1868, as provides that no man shall under those sections respectively be entitled to be registered as a voter by reason of his being a joint occupier of any dwelling house, is hereby repealed. 30

Joint
occupation
of service
dwellings.
48 & 49
Vict. c. 3.

8. Where two or more men themselves inhabit any dwelling-house (which expression shall in Scotland include a bothy) by virtue of any office, service or employment, each of them shall be deemed for the purposes of the Representation of the People Act, 1884, and of the Representation of the People Acts to be an inhabitant occupier of such dwelling-house as a tenant and shall be entitled to be registered as a parliamentary voter, and, when registered, to vote for a member to serve in Parliament. 35

And section three of the said Act of 1884 shall be read as if the words "and the dwelling-house is not inhabited by any person under whom such man serves in such office, service, or employment" were omitted therefrom.

A.D. 1900.

5 OCCUPATION OF PREMISES IN IMMEDIATE SUCCESSION
IN DIVIDED COUNTIES.

9. Section ten of the Redistribution of Seats Act, 1885, shall be read as if before the word "borough" wherever the same occurs in the said section there were inserted the words "county or."

Qualifica-
tion by
occupation
of premises
in immediate
succession
in divided
counties.

10 LODGERS.

10. Where, by any enactment now in force entitling a lodger to the parliamentary franchise, it is required as part of the qualification necessary so to entitle him that the lodgings which he occupies shall be of the clear yearly value, if let unfurnished, of ten pounds or upwards, such enactment shall be read and construed as if the said requirement were omitted therefrom.

Lodgers—
removal of
10% limita-
tion.

Section six of the Parliamentary and Municipal Registration Act, 1878, and section thirteen of the Registration (Scotland) Act, 1885, shall respectively be read and construed as if the words

41 & 42
Vict. c. 26.
48 & 49
Vict. c. 16.

20 "provided that not more than two persons, being such joint lodgers, shall be entitled to be registered in respect of such lodgings" were omitted therefrom.

Joint
lodgers.

11. Section ten of the Redistribution of Seats Act, 1885, as amended by this Act, shall be read as if the words "otherwise than as a lodger" were omitted therefrom.

Qualification
of lodger by
occupation of
different
premises in
immediate
succession in
divided
counties and
boroughs.

12. Any lodger claiming to be enrolled as a voter, and failing to obey a legally served citation to attend and give evidence in regard to his claim in the registration court, shall by such default be considered to have withdrawn the said claim, unless the revising barrister or the sheriff shall be satisfied that a reasonable excuse has been made out, in which case it shall be in the discretion of the revising barrister or the sheriff to grant an adjournment for such period as he may consider reasonable to enable the said claimant to attend the court.

Lodgers
failing to
attend
registration
court.

35 EXPENSES OF RETURNING OFFICERS.

13. From and after the passing of this Act, the candidate shall not be liable to find security for, or to make any deposit in respect

Charges
and expenses
of returning
officers.

A.D. 1900. — of, or to pay any of the charges and expenses which may be incurred or paid by a returning officer under the provisions of any Act of Parliament in respect of any parliamentary election, and such charges and expenses shall be borne in manner herein provided :

5

(a.) In England—

(1.) The returning officer shall lay an account of his charges before the revising barrister at the next convenient court after the election held by the revising barrister within the area for which the election took place, such court to be fixed 10 by the revising barrister.

(2.) The revising barrister shall apportion the total amount of such charges as allowed by him among the parishes in such area, in proportion to the number of registered electors in each parish, and shall give the returning officer a certificate of the sum due from each parish, and the sums so certified as due, shall be paid to the returning officer by the overseers of the respective parishes out of the first moneys thereafter collected by them for the relief of the poor. 15 20

(b.) In Scotland—

(1.) All the expenses under this section shall be paid as part of the expenses of registration in counties and burghs respectively.

(2.) The right of applying for the taxation of returning officers' charges as provided by section four of the Parliamentary Elections (Returning Officers) Act, 1886, shall, on and after the *passing of this Act*, be vested in the rating authority by whom the said charges are to be paid. 25

(c.) In Ireland—

30

(1.) The returning officer shall lay an account of his charges before the revising barrister for the area within which the election took place.

(2.) The revising barrister shall, so soon as is convenient after receiving such account, hold a court at some convenient place within the said area, and the returning officer shall thereupon vouch the said account, and the revising barrister shall certify the amount which he shall find to be properly payable to the returning officer on foot of the said account. The revising barrister may delegate to his registrar or other principal officer the power of examining and vouching the said account. Notice shall be given to the council of each 35 40

A.D. 1900.

... county or county borough within which or part of which the election took place, and such council shall be entitled to be heard on the examination and vouching of the said account.

5 (3.) Where the election took place partly in a county and partly in a county borough, the revising barrister shall certify how much of the said account shall be paid by the county and county borough respectively, and the amount so to be paid shall be calculated in the same relative proportion as the
10 number of electors entitled to vote at the election in the county borough bears to the number entitled to vote at the election in the county.

(4.) The council of the county or of the county borough, as the case may be, shall forthwith pay to the returning officer out of any sums in their hands to the credit of the county or borough fund respectively the total sum in such certificate mentioned or the sum in such certificate mentioned as the contribution of such county or county borough towards the said total sum, as the case may be, and shall raise and
15 levy off the county or county borough respectively the amount so paid in like manner as the expenses of preparing the lists and registers of parliamentary voters for the area within which the election took place are raised and levied.

(5.) Nothing in this Act contained shall extend to the borough
25 of the university of Dublin.

DEFINITIONS.

14.—(1.) In this Act the expression “the Representation of the People Acts” means the enactments for the time being in force in England, Scotland, and Ireland respectively relating to the
30 representation of the people, inclusive of the Registration Acts as defined by this Act.

Definition of
Registration
Acts, &c.

(2.) The expression “The Registration Acts” means the enactments for the time being in force in England, Scotland, and Ireland respectively relating to the registration of persons entitled
35 to vote at elections for counties and boroughs inclusive of the Rating Acts as defined by this Act.

(3.) The expressions “the Representation of the People Acts” and “the Registration Acts” respectively where used in this Act shall be read distributively in reference to the three parts of the
40 United Kingdom as meaning in this case of each part the enactments for the time being in force in that part.

A.D. 1900.
—

(4.) The expression "the Rating Acts" means the enactments for the time being in force in England, Scotland, and Ireland respectively relating to the placing of the names of occupiers on the rate book or valuation roll or other enactments relating to rating in so far as they are auxiliary to or deal with the registration 5 of persons entitled to vote at elections; and the expression "the Rating Acts" where used in this Act shall be read distributively in reference to the three parts of the United Kingdom as meaning in the case of each part the Acts for the time being in force in that part.

10

SCHEDULES.

A.D. 1900.

FIRST SCHEDULE.

ADDITIONAL QUESTIONS AT POLL.

The additional question asked shall be—

- 5 Have you, since the day of (*here specify the day on which the current Parliamentary register of electors came into operation*) voted at a Parliamentary election other than an election for this constituency?

ADDITION TO VOTING PAPER UNDER THE UNIVERSITY ELECTIONS ACT, 1861.

10

In a voting paper at a university election there shall be inserted after the words "I declare that" the words "I have not, since the month of December " last (*if the election is held between the last day of June and the first day of the following January, substitute, 'June' for 'December'*) voted at a
15 " Parliamentary election other than an election for this university, and."

ADDITION TO THE FORM OF NOTICE OF PARLIAMENTARY ELECTION AND TO THE FORM OF DIRECTIONS FOR THE GUIDANCE OF THE VOTERS IN VOTING SET FORTH IN THE SECOND SCHEDULE TO THE BALLOT ACT, 1872.

- And further take notice that if a person votes or applies for a ballot paper
20 in more than one constituency, or in a different constituency from that (if any) in which he has voted since the day of (*here specify date at which the current Parliamentary register of electors came into operation*), he will be guilty of an illegal practice, and be liable to the penalties in that behalf mentioned in the Corrupt and Illegal Practices
25 Prevention Act, 1883.

ADDITION TO THE FORM OF WRIT FOR A COUNTY OR BOROUGH AT A PARLIAMENTARY GENERAL ELECTION.

- There shall be added (for the purpose of a Parliamentary general election) to the form of writ for a county or borough at a Parliamentary election set
30 out in the Second Schedule to the Ballot Act, 1872, before the words "and that you do cause" the words "and that in the event of a poll, you do cause
" the poll to be taken on the second (*or third*) Saturday after the date
" of this writ."

[297.]

B

A.D. 1900.

Endorsement.

Where official telegraphic information is received, there shall be added to the endorsement :

Received official telegraphic information of this writ on the day of
19 . 5

Signed A.B.,
Sheriff (or as the case may be).

SECOND SCHEDULE.

FORM OF DEMAND FOR A CERTIFICATE.

To A.B.,

10

The officer or officers charged under the Registration Acts with the custody of the list or register of parliamentary voters for the constituency of (*here state the constituency*).

I, C.D., formerly residing at (*here state fully the address from which the voter has removed*), and now residing at (*here state fully the address to which the voter has removed*), do hereby give you notice that I have removed from the address first above stated, and that I demand a certificate in the form provided by Section *four* of the Parliamentary Voters and Elections Act, 1900, and I request you to remove my name from the said list or register. 15

Dated this day of 19 . 20
C.D.

CERTIFICATE.

I, , being the officer charged with the custody of the list or register of parliamentary voters for the constituency of , do hereby certify that the 25
name of , lately residing at , in the parish of , and a voter in this constituency, was entered in the List or Register of Parliamentary voters for this constituency which came into force on the day of the month of , in the year , and has now at his request been removed 30
therefrom in pursuance of section *four* of the Parliamentary Voters and Electors Act, 1900.

Dated this day of , 19 .
A.B. (*here state address*).

DECLARATION.

35

I, , do solemnly and sincerely declare that I am the same person whose name appears as A.B. in the certificate exhibited hereto and marked A.B.; that I have removed from the address therein

stated, and that I now reside, and have, since the day A.D. 1900.
of 19 , resided at (*here state place of residence*) in
the county of .

And I make this solemn declaration conscientiously believing the same
5 to be true, and by virtue of the provisions of the Statutory Declarations
Act, 1835.

Declared at A.B. in the county
of this day
10 of

Before me,
C.D.,

a J.P. for the of ,
or a Commissioner, or as the case may be.

15 MEMORANDUM to be endorsed on the above-mentioned CERTIFICATE upon
making of STATUTORY DECLARATION.

This is the certificate marked A.B. (*or other the initials of the name of the
person making the declaration*), referred to in the statutory declaration of
A.B. (*here insert the name of such person*), made before me this

20 day of 19 .

X.Y.,

J.P. for the of ,
or a Commissioner, or as the case may be.

Parliamentary Voters and Elections.

A

B I L L

To amend the Law relating to the Qualification and Registration of Parliamentary Voters and to Parliamentary Elections, and to the expenses of Returning Officers; and for other purposes in relation thereto.

*(Prepared and brought in by
Captain Sinclair, Mr. Billon, Mr. Birrell,
Mr. John Burns, Mr. Dillon,
Mr. Maurice Healy, Mr. J. A. Pease, and
Mr. Seale Hayne.)*

*Ordered, by The House of Commons, to be Printed,
13 July 1900.*

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[Price 2d.]

[Bill 297.]

A

B I L L

TO

Confirm certain Provisional Orders under the Burgh Police (Scotland) Act 1892 relating to Perth and Paisley. A.D. 1900.

WHEREAS Her Majesty's Secretary for Scotland has made the Provisional Orders set forth in the schedule hereunto annexed under the provisions of the Burgh Police (Scotland) Act 1892 and it is requisite that the said Orders should be confirmed by Parliament: 55 & 56 Vict.
c. 55.

Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

10 1. The Provisional Orders contained in the schedule hereunto annexed shall be and the same are hereby confirmed. Confirmation
of Orders.

2. This Act may be cited as the Perth and Paisley Gas Orders Confirmation Act 1900. Short title.

A.D. 1900.

SCHEDULE.**BURGH OF PERTH.**

WHEREAS by the Burgh Police (Scotland) Act 1892 (herein-after called "the Act of 1892") which Act applies to the Burgh of Perth (herein-after called "the Burgh") it is inter alia enacted (section 45) as follows:—

5
 "Whenever it shall appear to the Commissioners of any burgh to which
 " this Act applies that they require additional powers for the better
 " carrying out of the purposes of this Act and specially powers relating
 " to the supply of gas or water or to the roads and streets or to
 " drainage or sewers or the utilisation of sewage in addition to the 10
 " powers conferred by the Public Health Acts or for the repeal or
 " amendment of any local Acts of Parliament relating to such subjects
 " or their adaptation and adjustment to the provisions of this Act with
 " such amendments as may be found necessary or for the repeal of any
 " exemption from rating derived from this or any general or local Act 15
 " or to other matters cognate to the purposes of this Act they may
 " apply to the Secretary for Scotland for a Provisional Order:"
 and (section 46 sub-section (1))
 " that upon the receipt of any such application for a Provisional Order
 " the Secretary for Scotland may direct the sheriff or other commis- 20
 " sioner or commissioners to hold a local inquiry in the district in
 " respect to the several matters mentioned in the application" and that
 " it shall be lawful for the Secretary for Scotland to issue a Provisional
 " Order either in accordance with the prayer of the application or with
 " such modifications or alterations as may appear to him to be 25
 " requisite:"

And whereas the Commissioners of the Burgh acting under the Act of 1892 (herein-after called "the Burgh Commissioners") and their successors in office are the Perth Gas Commissioners incorporated by the Perth Gas Act 1871 (herein-after called "the Act of 1871") and are the local authority 30 within the Burgh under the Electric Lighting Acts 1882 and 1888 and the Electric Lighting (Scotland) Act 1890 (herein-after called "the Electric Lighting Acts"):

And whereas by the Act of 1871 the Perth Water and Gas Act 1888 the Perth Harbour City Improvements and Gas Act 1897 (herein-after called 35 "the Act of 1897") and the Perth Water Police and Gas Act 1899 (which Acts are all herein-after collectively called "the Gas Acts") the Burgh Commissioners as the Perth Gas Commissioners (herein-after called "the Commissioners") were authorised to borrow various sums of money for the purposes of the Gas Acts and of their Gas Undertaking:

40

A.D. 1900.

And whereas under the Electric Lighting Acts the Burgh Commissioners are authorised from time to time to borrow money on the security of the gas rates leviable and gas rents and other revenues receivable by them as Gas Commissioners aforesaid under the Gas Acts with the consent of the Secretary for Scotland and subject to the provisions and restrictions with respect to borrowing and the repayment of loans as are contained in the Gas Acts and the money so borrowed is to be deemed to be borrowed under the enactments subject to the provisions and restrictions of which it is borrowed :

And whereas the Burgh Commissioners have presented a Petition to me setting forth inter alia (1) that the moneys which as Gas Commissioners they are authorised to borrow under the Gas Acts for the purposes of those Acts and of their Gas Undertaking have been found insufficient for those purposes and that it is necessary and expedient that they should be authorised to borrow additional money therefor and (2) that their gas borrowing powers being insufficient as aforesaid they are unable to obtain from the Secretary for Scotland his consent under the Electric Lighting Acts to borrow money for the purposes of their Electric Lighting Undertaking and that it is necessary and expedient that the provisions and restrictions with respect to borrowing contained in the Gas Acts should be amended so as to enable them to apply for such consent :

And whereas due inquiry having been directed and held in respect of the matters set forth in the said Petition I have resolved to issue a Provisional Order in the terms herein-after expressed :

Now therefore in pursuance of the powers contained in the Act of 1892 I the Right Honourable Alexander Hugh Lord Balfour of Burleigh Her Majesty's Secretary for Scotland do by this Provisional Order under my hand and seal direct and order as follows :—

1. The Commissioners in addition to any money which they have borrowed or are authorised to borrow under the Gas Acts may from time to time under the authority of this Order borrow on mortgage any sums they think requisite for the purposes of the Gas Acts and their Gas Undertaking not exceeding in the whole the sum of seventy-five thousand pounds and may make and grant mortgages of and over the several rates and charges leviable by them under the provisions of the Gas Acts in security of the payment of the money so borrowed and interest thereon and if after having borrowed the sums of money hereby authorised to be borrowed or any part thereof the Commissioners pay off the same or any part thereof otherwise than by means of the sinking fund herein-after mentioned it shall be lawful for them again to borrow the amount so paid off and so from time to time.

Power to borrow.

2. The Commissioners may accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the Commissioners according to the usage of bankers in Scotland to the extent of the aggregate amount of the several sums which the Commissioners are by this Order authorised to borrow or any part thereof and may make and grant mortgages of and over the several rates and charges leviable by them under the provisions of the Gas Acts in security

And to borrow on cash account.

A.D. 1900. of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon Provided always that the whole principal sums due and owing by the Commissioners on such cash account and for money borrowed by them on mortgage shall not when taken together exceed the aggregate amount of the several sums by the Gas Acts and this Order authorised to be borrowed by the Commissioners and not discharged by means of the sinking fund. 5

Exercise of borrowing powers and application of moneys borrowed or raised. 3. The borrowing power conferred by this Order shall not be exercised to the extent of more than twenty-five thousand pounds without the consent of the Secretary for Scotland Provided that no sums borrowed under the authority of this Order shall be applied to any purpose to which capital is not properly applicable or to any of the purposes to which the rates charges and revenues by the Gas Acts authorised to be levied are specially made applicable excepting temporary advances for payment of the annuities as provided by the Act of 1871. 15

Priority of existing mortgages and securities. 4. All mortgages and securities granted by the Commissioners in pursuance of the powers of the Gas Acts before the passing of the Act confirming this Order and which shall be then subsisting shall during the continuance of such mortgages and securities have priority over any mortgages or securities to be granted by the Commissioners under this Order. 20

Annual estimate to include interest on money borrowed &c. 5. In the estimate provided by section 65 of the Act of 1871 to be laid before the Commissioners at their annual general meeting of the sums required to meet for such year the outgoings and charges mentioned in that section the Commissioners shall include the interest on the money that may be borrowed by them under the authority of this Order and the moneys by this Order provided to be set apart or paid over to the sinking fund as herein-after provided and any additional charges and expenses to be incurred in carrying out the purposes of this Order by the Commissioners and the rates by the Gas Acts authorised shall respectively be assessed and levied to such an amount as will be sufficient to meet the same in addition to the purposes mentioned in the said section of the Act of 1871 and the amount so levied shall be applied in payment thereof. 25 30

Sinking fund. 6. The Commissioners shall from and after the passing of the Act confirming this Order set apart or pay over annually to the sinking fund provided by the Act of 1871 the sum of seven hundred and fifty pounds and in addition thereto shall from and after the expiry of two years from the passing of the Act confirming this Order set apart or pay over annually to the said sinking fund a sum equal to one and a half per centum on the amount borrowed by them under the authority of this Order and notwithstanding anything in the Gas Acts contained such sinking fund and the income arising therefrom shall henceforth be invested in or on any security in or on which trust funds may be invested according to the law of Scotland not being a security of the Commissioners or by way of deposit in any bank in Scotland incorporated by Royal Charter or under the provisions of any Act of Parliament and such annual sum of seven hundred and fifty pounds and the income arising therefrom shall be applied in the redemption of the 35 40 45

Perth Gas Annuities created by the Act of 1871 and to no other purpose whatever and subject thereto the said sinking fund shall be applied at such time as the Commissioners shall see fit towards the payment of the money borrowed under the authority of this Order as well as of the Gas Acts and

A.D. 1900.

- 5 to no other purpose whatever Provided that the provisions of section 76 of the Act of 1897 shall so far as applicable apply to the sums hereby directed to be set apart or paid over to the said sinking fund Provided further that the said annual payment of seven hundred and fifty pounds shall cease when in the opinion of the Secretary for Scotland the amount thereby accumulated
- 10 together with the income thereof is sufficient to provide for the redemption of the said annuities.

7. The money by this Order authorised to be borrowed or raised may be secured by mortgages in terms of and as provided for in the Gas Acts with reference to the moneys thereby authorised to be borrowed or raised by the
- 15 Commissioners and subject to the provisions of this Order all the powers forms and provisions of the Gas Acts or any of them applicable to the moneys thereby authorised to be borrowed or raised and with regard to the mortgages or other securities to be granted therefor and the transfer transmission and discharge thereof shall mutatis mutandis apply to the moneys by this Order
- 20 authorised to be borrowed or raised and to all mortgages or other securities granted for the same or any part thereof and to the transfer transmission and discharge thereof Provided that the mortgages or other securities to be granted for the moneys hereby authorised to be borrowed or raised shall declare that they are so granted by virtue or by and under the powers of this
- 25 Order.

Security for money borrowed or raised.

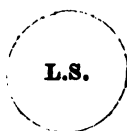
8. All costs charges and expenses of and incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Commissioners out of their funds and revenues and the moneys which they are authorised to borrow or raise under the authority of this
- 30 Order Provided that any money borrowed for paying any such costs charges and expenses shall be repaid within five years from the date of such borrowing.

Costs of Order.

9. This Order may be cited as the Perth Gas Order 1900 and the Gas Acts and the Act confirming this Order may be cited as the Perth Gas Acts
- 35 1871 to 1900.

Citation of Order and Acts.

Given under my hand and seal at Whitehall this twenty-fifth day of May in the year one thousand nine hundred.



BALFOUR OF BURLEIGH.

A.D. 1900.

BURGH OF PAISLEY.

WHEREAS by the Burgh Police (Scotland) Act 1892 it is (inter alia) provided (section 45) that whenever it shall appear to the commissioners of any burgh to which that Act applies that they require additional powers for the better carrying out of the purposes of that Act and specially powers 5 relating to the supply of gas or water or to the roads and streets or to drainage or sewers or the utilisation of sewage in addition to the powers conferred by the Public Health Acts or for the repeal or amendment of any local Acts of Parliament relating to such subjects or their adaptation and adjustment to the provisions of the Act now in recital or for the other 10 purposes therein mentioned they may apply to the Secretary for Scotland for a Provisional Order and (section 46) that after such inquiry as the Secretary for Scotland may direct it shall be lawful for him to issue a Provisional Order either in accordance with the prayer of the application or with such modifications or alterations as may appear to him requisite but 15 no Provisional Order shall be of any validity unless the same has been confirmed by Act of Parliament;

And whereas the Burgh Police (Scotland) Act 1892 is in force within the Burgh of Paisley and the magistrates and town council thereof (herein-after called "the magistrates and town council") are the Commissioners under the 20 said Act within the burgh;

And whereas by the Paisley Corporation Gas Act 1870 (herein-after called "the Act of 1870") the property powers rights and privileges of the Board of Commissioners in whom the gas supply of the said Burgh of Paisley was then vested were transferred to and vested in the magistrates and town 25 council and the magistrates and town council were authorised to maintain improve extend and renew the gasworks thereby transferred to and vested in them and to supply gas to the said burgh and the suburbs thereof and places adjacent and were empowered to borrow for the purpose of carrying the Act of 1870 into execution any sum not exceeding the sum of fifteen 30 thousand pounds on the security of the rents charges and revenues accruing to them from the lands property and works transferred to and vested in them by the Act of 1870 and thereafter to be acquired or constructed by them for the purposes of that Act and from the sale of gas and residual 35 products;

And whereas by the General Police and Improvement (Scotland) Act 1862 Order Confirmation (Paisley) Act 1879 (herein-after called "the Order of 1879") the amount authorised to be borrowed by the magistrates and town council for the purposes of the Act of 1870 was increased to the sum of forty-five thousand pounds and by the Paisley Corporation Gas Order 40 Confirmation Act 1899 (herein-after called "the Order of 1899") the amount authorised to be borrowed by the magistrates and town council for such purposes was further increased to the sum of seventy thousand pounds;

And whereas by the Paisley Electric Lighting Order 1891 (herein-after called "the Order of 1891") the magistrates and town council were 45

authorised to supply electrical energy within the Burgh of Paisley for all public and private purposes as defined by the Electric Lighting Act 1882 ;

A.D. 1900.

And whereas by virtue of section 8 of the Electric Lighting Act 1882 as amended by the Electric Lighting (Scotland) Act 1890 the magistrates and town council are empowered with the consent of the Secretary for Scotland to borrow money for the purposes of the Order of 1891 upon the security of the gas rates leviable and gas rents and other revenues receivable under the Act of 1870 subject to such provisions and restrictions with respect to borrowing and the repayment of loans as are contained in the Act of 1870 as amended by the Orders of 1879 and 1899 ;

And whereas the magistrates and town council have since the commencement of the Order of 1891 with the consent of the Secretary for Scotland borrowed and expended the sum of sixty thousand pounds or thereabouts for the purposes of the Order of 1891 ;

And whereas the magistrates and town council have borrowed and expended for the purposes of the Act of 1870 the full amount which they are by that Act as amended by the Orders of 1879 and 1899 authorised to borrow with the exception of a sum of thirteen thousand pounds which the magistrates and town council will shortly require to borrow for the purposes of the Act of 1870 ;

And whereas doubts have arisen whether the magistrates and town council are authorised even with the consent of the Secretary for Scotland to borrow for the combined purposes of the Act of 1870 and the Order of 1891 any money in excess of that authorised to be borrowed by the Act of 1870 as amended by the Orders of 1879 and 1899 ;

And whereas it is expedient that the borrowing powers of the magistrates and town council under the Act of 1870 should be increased so as (1) to remove any doubt in regard to their right to borrow the money already borrowed by them for the purposes of the Order of 1891 and (2) to enable them to apply to the Secretary for Scotland for his consent under the Electric Lighting Acts to additional borrowing for such purposes ;

And whereas the magistrates and town council have presented a petition to me as Secretary for Scotland setting forth the matters herein-before recited ;

And whereas after due inquiry I have resolved to issue a Provisional Order in the terms herein-after expressed.

Now therefore in pursuance of the powers vested in me by the Burgh Police (Scotland) Act 1892 I as Secretary for Scotland do by this Provisional Order direct as follows :—

1.—(1.) From and after the passing of the Act confirming this Order and subject as herein-after provided section 64 of the Act of 1870 as amended by the Order of 1879 and the Order of 1899 shall be read as if the words one hundred and fifty thousand pounds had been inserted therein instead of the amended words seventy thousand pounds Provided that the sum of sixty thousand pounds already borrowed by the magistrates and town council for

Power to borrow.

- A.D. 1900. the purposes of the Order of 1891 shall be deemed to have been borrowed with the consent of the Secretary for Scotland as part of the said sum of one hundred and fifty thousand pounds and that in construing section 71 of the Act of 1870 all moneys expended in payment of the costs charges and expenses of and incident to the preparing for obtaining and confirming this Order shall be held to be moneys applied in carrying the Act of 1845 (as defined by the Act of 1870) and the Act of 1870 into execution. 5
- (2.) All money borrowed or deemed to have been borrowed under the authority of this Order shall be applied only for purposes to which capital is properly applicable. 10
- (3.) Nothing in this Order shall authorise the magistrates and town council to borrow under the authority of the Act of 1870 as amended by the Orders of 1879 and 1899 and this Order except with the consent of the Secretary for Scotland any sum in excess of that which they are authorised to borrow by the Act of 1870 as amended by the Orders of 1879 and 1899. 15
- Priority of existing mortgages. 2. All mortgages granted by the magistrates and town council for securing money borrowed or deemed to have been borrowed under the authority of the Act of 1870 as amended by the Order of 1879 and the Order of 1899 and this Order and subsisting at the passing of the Act confirming this Order shall without prejudice to their priorities inter se and during the continuance of such mortgages have priority over all mortgages granted by the magistrates and town council for securing money borrowed under the authority of the said Act and Orders after the passing of the Act confirming this Order. 20
- Repayment of borrowed money. 3. The magistrates and town council shall pay off all money borrowed or deemed to have been borrowed by them under the authority of this Order within forty years from the date or dates of borrowing the same respectively and the provisions of section 3 of the Order of 1899 shall apply to money borrowed or deemed to have been borrowed under the authority of this Order as if it were money borrowed under the authority of the Order of 1899 Provided that the payments into sinking fund on account of any loan for paying the costs charges and expenses of this Order shall be sufficient to pay off such loan within five years from the date of borrowing the same. 25 30
- Citation of Order and Acts. 4. This Order may be cited as the Paisley Gas Order 1900 and the Act of 1845 (as defined in the Act of 1870) the Act of 1870 and the Acts confirming the Orders of 1879 1899 and this Order may be collectively cited as the Paisley Gas Acts 1845 to 1900. 35

Given under my hand and seal at Whitehall this twenty-fifth day of May in the year one thousand nine hundred.

L.S.

BALFOUR OF BURLEIGH.

Perth and Paisley Gas Provisional Orders.

A

B I L L

To confirm certain Provisional Orders
under the Burgh Police (Scotland)
Act 1892 relating to Perth and
Paisley.

*(Prepared and brought in by
The Lord Advocate and Mr. Anstruther.)*

*Ordered, by The House of Commons, to be Printed,
28 May 1900.*

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[Bill 243.]

Petroleum Bill.

MEMORANDUM.

The object of this Bill is to give legislative effect to the intentions of Parliament as expressed in the Petroleum Act, 1871. That Act placed legislative restrictions on the sale, keeping, and carriage of petroleum with a flash point under 100° Fahrenheit. The flash point of petroleum is the lowest temperature at which it begins to give off inflammable vapours. The Act of 1871 prescribed a test, known as the *open test*, by which the flash point was to be determined. That test was, subsequent to the date of the 1871 Act, found to be fallacious. Unless it was applied with extreme care and scientific accuracy the *open test* was found to be incorrect to the extent of approximately 27°. In other words, if the flash point of any particular oil was in reality 73° Fahrenheit, the *open test*, as usually applied, showed its flash point to be 100°. To correct the errors incident to the use of the *open test*, the *close test* was devised by Sir Frederick Abel. The *close test* was made compulsory and the *open test* was abolished by the Act of 1879. But by that Act the restrictive legislation prescribed by the Act of 1871 with regard to petroleum with a flash point under 100° Fahrenheit, was applied to petroleum with a flash point under 73° Fahrenheit. All petroleum with a flash point above 73° Fahrenheit was thus, contrary to the 1871 Act, freed from legislative restrictions. The purpose of this Bill is to substitute the accurate or *close test* for the inaccurate or *open test* in the Act of 1871, and to restore the 100° flash point prescribed by that Act.

A
B I L L

TO

Amend the Petroleum Act, 1879.

A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 5** 1. This Act may be cited as the Petroleum Act, 1900. This Act shall be construed as one with the Petroleum Acts, 1871 and 1879, and together with these Acts may be cited as the Petroleum Acts, 1871 to 1899. Short title and construction.
- 10** 2. Section two of the Petroleum Act, 1879, from the commencement of the section down to and including the words "seventy-three degrees of Fahrenheit's thermometer" is hereby repealed. Amendment of section 2.
3. Section six and the Second Schedule of the Petroleum Act, 1879, are hereby repealed. Repeal of section 6 and schedule 2.

Petroleum.

A

B I L L

To amend the Petroleum Act, 1879.

(Prepared and brought in by

Mr. Ure, Mr. J. A. Pease,

Sir Thomas Gibson-Carmichael, Colonel Denny,

Mr. Compton Rickett, Mr. Cross,

Mr. Reckitt, Mr. McKillop, Mr. Tully,

Mr. John Burns, and Mr. Trevelyan.)

Ordered, by The House of Commons, to be Printed,
15 March 1900.

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50, West Nile Street, Glasgow; or
HODGKIN, VICARS & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 127.]

Petty Customs Abolition (Scotland) Bill.

MEMORANDUM.

Before trading in Scottish burghs was freed from various restrictions to which it was subject, part of the burgh revenues was derived from small imposts (petty customs, plack dues, &c.) levied on animals and goods brought within or passing through the burgh. In 1870 an Act was passed (33 & 34 Vict. c. 42) giving town councils power to abolish the customs and levy a substitute rate. But after the lapse of another quarter of a century, there are still a few burghs which retain the antiquated impost. The object of the Bill is to abolish compulsorily all petty customs belonging to town councils in Scotland, and to substitute a rate in lieu thereof.

Clause 3 abolishes the customs from the first term of Whit Sunday after the passing of the Act, or after the expiry of any current lease of the customs.

Clause 4 substitutes a rate to be levied in the burgh in place of the customs; and where there are creditors holding securities over the customs, assigns the rate to them.

Clause 7 saves (1) the right to exact charges for market accommodation; (2) the rights of private owners of petty customs; and (3) agreements for the commutation of petty customs.

A
B I L L

TO

Abolish Petty Customs in Scotland, and to make provision A.D. 1900.
for levying a rate in lieu thereof.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

5 1. This Act may be cited as the Petty Customs Abolition Short title
and extent.
(Scotland) Act, 1900, and shall extend to Scotland only.

2. The following expressions have the meanings hereby assigned Definitions.
to them; that is to say,—

10 (1.) "Burgh" has the meaning assigned to it in the Burgh
Police (Scotland) Act, 1892 :

15 (2.) "Petty customs" include small customs, ladle dues, plack
dues or shore placks, transit tolls, bridge customs, and every
custom, toll, duty, or charge leviable on, or in respect of,
any animal, produce, goods, or other commodities whatsoever,
brought by land or water for sale, traffic, use, or consumption,
into, out of, or through any burgh.

20 3.—(1.) All petty customs leviable by the town council or
commissioners of any burgh not let on current tacks or leases
shall be abolished from and after the term of Whit Sunday next
ensuing the *passing of this Act*. Abolition of
petty
customs.

(2.) Petty customs leviable by the town council or commissioners
of any burgh, let on tacks and leases current at the *passing of this
Act*, shall be abolished from and after the term of Whit Sunday
next ensuing the termination, by surrender, forfeiture, expiry, or
otherwise, of such tacks or leases.

4. In lieu of petty customs abolished by this Act, the town Rate in lieu
of petty
customs.
council or commissioners of any burgh shall levy in each year a
rate, in manner after provided, to yield an amount as nearly as may

[Bill 153.]

A

A.D. 1900. be equal to the net annual revenue derived by such burgh from such customs, calculated on an average of the *five years* immediately preceding the date of such abolition.

Protection
of creditors.

5. On such petty customs leviable in any burgh being abolished as herein-before provided, the rate to be levied in lieu thereof in pursuance of the immediately preceding section, shall ipso facto by the operation of this section come in place of such petty customs, and shall be deemed to be assigned to any creditor or creditors holding any assignment of, or security over, such petty customs, and the rights of such creditor or creditors shall be enforceable in the same manner as the rights of any other creditor or creditors of such burgh holding any assignment of, or security over, any rate leviable therein.

Mode of
levying, &c.
rate.

6. The rate leviable in lieu of petty customs shall be imposed, assessed, and recovered in the same manner, on and from the same persons, and with the like incidents as the burgh general assessment, under the Burgh Police (Scotland) Act, 1892, and shall be levied within and throughout the same area as that assessment.

Savings.

7. Nothing in this Act shall take away or abridge—

- (1.) Any existing right to exact tolls, rents, or charges for and in respect of the use of markets, sheds, pens, stores, weighing-machines, slaughter-houses, piers, or landing-stages, or other accommodation or conveniences constructed or provided by the authority entitled to receive such tolls, rents, or charges under any general or local Act of Parliament, or to exact stallages or rents for the occupation of stances, stands, or ground spaces; or
- (2.) The right to levy petty customs other than those leviable by the town council or commissioners of any burgh; or
- (3.) Any agreement current at the passing hereof between any burgh and any person providing for the composition or commutation of petty customs, or for any payment in lieu thereof.

Petty Customs Abolition (Scotland).

A

B I L L

To abolish Petty Customs in Scotland,
and to make provision for levying a
rate in lieu thereof.

*(Prepared and brought in by
Captain Sinclair, Mr. Asquith,
Mr. James Baillie, Mr. Cochrane, Mr. McKillop,
Mr. Nicol, and Mr. Ure.)*

*Ordered, by The House of Commons, to be Printed,
27 March 1900.*

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30, West Nile Street, Glasgow; or
ROBERTS, Fergus, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]]

[Bill 153.]

A

B I L L

TO

Confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Eastbourne Ilfracombe Lowestoft and Portessie. A.D. 1900.

WHEREAS a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 is not of any validity or force whatever until the confirmation thereof by Act of Parliament : 24 & 25 Vict.
c. 45.

5 And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act and set out in the schedule to this Act be confirmed by Act of Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and
10 Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. The several Orders as set out in the schedule to this Act shall be and the same are hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule
15 shall from and after the passing of this Act have full validity and force. Confirmation of Orders in schedule.

2. The Undertakers mentioned in the said Orders shall not under the powers of this Act or of the said Orders purchase or acquire in any city borough or other urban district or in any parish or
20 part of a parish not being within an urban district in England or in any district in Scotland within the meaning of the Public Health (Scotland) Act 1897 as the case may be ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by
25 persons belonging to the labouring class as tenants or lodgers. If
[Bill 225.] Special provisions as to houses of labouring class.

A

A.D. 1900. — any Undertakers acquire or appropriate any house or houses under the powers of this Act or of the said Orders in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the 5 High Court or by the Secretary for Scotland by action in the Court of Session as the case may be and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

For the purposes of this section the expression “labouring 10 class” includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than 15 domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

The expression “house” means any tenement separately occupied by any person or persons.

Short title. 3. This Act may be cited as the Pier and Harbour Orders 20 Confirmation (No. 1) Act 1900.

THE SCHEDULE OF ORDERS.

1. EASTBOURNE.—Widening and extension of existing pier.
2. ILFRACOMBE.—Construction of pier and amendment of former Orders.
3. LOWESTOFT.—Construction of pier.
4. PORTESSIE.—Construction of harbour.

25

SCHEDULE.

A.D. 1900.

EASTBOURNE PIER.*Eastbourne.*

Provisional Order for authorising the Eastbourne Pier Company Limited to widen and extend their Pier and for other purposes connected therewith.

5

Preliminary.

1.—(1.) This Order may be cited as the “Eastbourne Pier Order 1900” and shall be construed as one with the Eastbourne Pier Order 1864 (in this Order referred to as “the Order of 1864”) and the Eastbourne Pier Amendment Order 1865 (in this Order referred to as “the Order of 1865”) and those Orders and this Order may be cited together as the Eastbourne Pier Orders 1864 to 1900.

Short titles and interpretation.

(2.) This Order shall come into force upon the day when the Act confirming this Order is passed and that day is in this Order referred to as the commencement of this Order.

15

(3.) In this Order unless the context otherwise requires—

The expression “the Company” means the Eastbourne Pier Company Limited ;

The expression “the Corporation” means the Mayor Aldermen and Burgesses of the Borough of Eastbourne ;

20

The expression “existing” means existing on the commencement of this Order.

Undertakers.

2. The Eastbourne Pier Company Limited shall be the Undertakers for carrying this Order into execution.

25

Undertakers.

Limits.

3. Subject to the provisions of this Order as to rates the limits within which the Company shall have authority and which shall be deemed the limits to which this Order the Order of 1864 and the Order of 1865 for all purposes extend shall comprise the existing pier and works and the works authorised by this Order and the area below high water mark within a distance of one hundred yards measured in any direction from the seaward end for the time being of the pier and works of the Company.

30

Limits.

Works and Powers.

4. The Lands Clauses Acts (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the Promoters of the undertaking) are incorporated with and form part of this Order.

35

Incorporation of Lands Clauses Acts.

5. For the purposes of the works authorised by this Order the Company may by agreement enter on take and use such of the lands shown on the plans

40

Power to acquire additional lands by agreement.

[225.]

A 2

A.D. 1900. deposited for the purposes of this Order as they may think requisite for the purposes of those works.

Eastbourne.

Power to
execute works.

6. When the Company have obtained in manner provided by this Order the approval of the Corporation to the plans sections and elevations of their proposed works they may subject to the provisions of this Order and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order as the Board of Trade require before the completion of the works in order to prevent injury to navigation in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon) and within the limits of deviation shown on those plans construct and maintain the works authorised by this Order. 5 10

Description
of works
authorised.

7. The works authorised by this Order comprise the following works with all necessary conveniences connected therewith :—

- (1) A widening of the existing pier of the Company at Eastbourne on both sides thereof commencing at a point forty-eight feet or thereabouts from the shore end of that pier and terminating at a point four hundred and eighty-eight feet or thereabouts from such shore end. 15
- (2) A widening and extension of the said existing pier on both sides thereof commencing at a point seven hundred feet or thereabouts from the said shore end thereof and terminating at or near the termination of the said existing pier. 20
- (3) An extension and enlargement of the existing landing stage at the termination of the said pier.

The works will be open works and will be situate in the parish and borough of Eastbourne in the county of Sussex and on the foreshore and bed of the sea adjoining or near thereto. 25

Accommoda-
tion works.

8. The Company may in connexion with the works authorised by this Order and their existing pier and works construct and provide all such landing stages landing places roads approaches engine houses sheds toll houses steam engines steam vessels cranes hydraulic lifts buoys moorings and other buildings erections machinery appliances works and conveniences as they may deem necessary or proper. 30

Powers of
deviation.

9. The Company in constructing the works authorised by this Order may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation shown on the deposited plan and vertically to any extent approved by the Board of Trade. 35

Penalty for
obstructing
works.

10. If any person wilfully obstructs any person acting under the authority of the Company in setting out the lines of the works authorised by this Order or pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works or defaces or destroys those works or any part thereof that person shall for each offence be liable to a penalty not exceeding five pounds. 40

Approval by
Corporation of
plans of pier.

11.—(1.) The plans elevations and sections shown in the working drawings of the works authorised by this Order submitted to the Board of Trade must be approved by the Corporation and for that purpose the Company shall submit those plans elevations and sections to the Corporation but this provision shall not prevent the Board of Trade altering any plans elevations and sections so approved when submitted to them if they think fit. 45

(2.) The Company shall construct the works authorised by this Order in accordance with the plans elevations and sections so approved subject to any alterations made by the Board of Trade and shall not alter those works otherwise than in accordance with plans elevations and sections so approved and if the Company act in contravention of this provision with regard to any work the Corporation may remove the work and restore the site of it to its former condition and may recover the expense incurred by them in doing so from the Company.

A.D. 1900.
—
Eastbourne.

(3.) The approval of the Corporation under this section shall not be unreasonably withheld and if any question arises whether the approval is unreasonably withheld that question shall be referred to arbitration under this Order.

12.—(1.) If within two years from the commencement of this Order the works authorised by this Order are not substantially commenced the powers given by this Order for executing those works or otherwise in relation thereto shall cease unless the time for commencement is extended by the special direction of the Board of Trade.

Powers to
cease in certain
events.

(2.) If those works after having been substantially commenced are virtually suspended for twelve consecutive months the powers given by this Order for executing those works or otherwise in relation thereto shall cease except as to so much of those works as are then completed unless those powers are by the special direction of the Board of Trade continued and directed to remain in force for any period not exceeding five years from the commencement of this Order.

(3.) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in that certificate.

13. Works authorised by this Order below high-water mark shall not be commenced without the consent in writing of the Board of Trade and shall be executed only in manner approved by the Board of Trade.

Consent of
Board of Trade
to works below
high-water
mark.

14.—(1.) The Company may construct and maintain on the existing pier and the works authorised by this Order pavilions saloons assembly concert lecture waiting reading refreshment and other rooms shops bazaars lavatories baths shooting galleries and other buildings and conveniences and may furnish stock and equip them and may make such reasonable charges for the use thereof or admission thereto as they think fit and may let them or any of them for such period not exceeding seven years and upon such terms and conditions as they think fit.

Powers to
erect pavilions
and other
buildings.

(2.) The Company may at any time and as and when they think proper close any of the pavilions rooms and other buildings constructed under this section to the general public.

(3.) The construction of any buildings under this section (other than buildings shown on the plans approved by the Corporation) shall be subject to the approval of the Corporation but that approval shall not be unreasonably withheld and if any question arises whether it is unreasonably withheld that question shall be referred to arbitration under this Order.

15. The Company in connexion with the works authorised by this Order and within the limits to which this Order extends may dredge scour deepen alter

Power to
dredge &c.

- A.D. 1900. and improve the entrances and channels to the works and the approaches works
and conveniences connected therewith.
- Eastbourne.* 16. A vessel or boat shall not anchor within the limits to which this Order
extends without the consent of the Company or their pier master.
- Vessels not to
anchor within
one hundred
yards of pier
without consent.
Vessels not to
moor alongside of
pier without
consent.
Tide gauge &c. 17. A vessel or boat shall not be moored alongside the pier without the consent 5
of the Company or their pier master.
18. Sections eighteen and nineteen of the Harbours Docks and Piers Clauses
Act 1847 shall not be incorporated with this Order and shall be deemed not to
have been incorporated with the Orders of 1864 and 1865 but the Company
shall permit the Corporation to place and maintain upon the pier or works of 10
the Company a tide gauge barometer and other meteorological instruments and
to have access thereto without payment of rates.
- Restriction on
the placing of
advertisements. 19. The Company shall not without the consent of the Corporation place or
permit to be placed—
- (1) any advertisement on any part of the outer sides of the pier in such a 15
position that it can be seen from any part of the foreshore or the parades of
the borough of Eastbourne or
 - (2) any advertisement at the entrance to the pier other than advertisements
relating to entertainments on the pier steamboat sailings or other matters
connected with the business of the Company or 20
 - (3) any advertisement on the roof of the kiosks at the entrance to the pier.
- Rates.*
- Rates. 20. Subject to the provisions of this Order the works by this Order authorised
shall for the purpose of the rates which may be demanded and received by the
Company and for all other purposes be deemed part of the Undertaking of the 25
Company under the Orders of 1864 and 1865 but the Company shall not under
the powers of the Orders of 1864 or 1865 or this Order demand or receive any
rates in respect of any vessel or boat which does not actually use the pier or
works of the Company.
- Power to close
pier on special
occasions &c. 21.—(1.) The Company may on any occasions which they deem special but 30
not exceeding twelve days in any one year or for more than three days
consecutively close the pier against the public and may if they think fit on
those occasions admit any persons to the pier on payment of such special rates
of admission not exceeding one shilling for each person as the Company may
think fit. 35
- (2.) The Company shall on any such occasion reserve a sufficient passage
along the pier for any persons landing or embarking at the pier and that reserved
passage shall be open for use by those persons at the ordinary charge and without
payment of any special rates so long only as they use the pier as a passage and
do not remain upon it. 40
- Power to vary
exemptions
from rates and
to enter into
compositions
&c. 22. The Company may confer vary or extinguish exemptions from and enter
into compositions with any persons with respect to the payment of any rates and
charges authorised by the Order of 1864 and may confer vary or extinguish by
agreement all other rights and privileges but so that no preference be in any
case given to any person and that anything done under this section shall not 45
prejudice the other provisions of the Order of 1864 or this Order.

A.D. 1900.

23. Officers of the police and officers of the Corporation being in the execution of their duty shall at all times have free ingress passage and egress to or along and on and from the pier and works of the Company by land and with their vessels and otherwise without payment.

Eastbourne.

Police officers &c. exempt from rates.

5 24. Fishing vessels belonging to countries with which for the time being treaties exist exempting from dues and port charges those vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall when forced by stress of weather to make use of the pier or works of the Company and not breaking bulk while making use thereof be exempt
10 from rates leviable by the Company.

Certain fishing vessels under stress of weather exempt from rates.

25. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life
15 and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to or along and on and from the pier and works without payment.

Lifeboat crew s exempt from rates.

Byelaws.

26.—(1.) The Company may make byelaws for the regulation and control of
20 vessels and boats to take effect within the limits to which this Order extends and also for the regulation and control of persons embarking disembarking frequenting or resorting to or employed at the pier approaches and other works.

Power to make byelaws.

(2.) The byelaws may provide for imposing a penalty not exceeding forty shillings in any case for the breach or non-observance of any byelaw.

25 (3.) A byelaw under this section shall not come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

(4.) For the purpose of giving the Corporation an opportunity of making representations to the Board of Trade with regard to any proposed byelaw
30 under this section the Company shall before submitting any such proposed byelaw to the Board of Trade send a copy of it to the Corporation.

Life-saving Apparatus.

27.—(1.) Sections 16 and 17 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order and shall be deemed not to have been
35 incorporated with the Orders of 1864 and 1865 but the Company shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near the pier and build on that site a house and other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

Provision of accommodation for lifeboat &c. if required.

40 (2.) If the Company fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues.

28. The officers of the coastguard and all other persons for the time being actually employed in connexion with any lifeboat or any apparatus for saving life
45 may either permanently or temporarily and without payment attach or cause to be attached to any part of the pier or works of the Company spars and other

Life-saving apparatus may be attached to pier.

A.D. 1900. apparatus for saving life and may also either in course of using or of exercising any apparatus for saving life fire rockets over the pier or works.

Eastbourne.

Life-buoys to be kept.

29. The Company shall at all times keep at the outer extremity of the pier life buoys and life lines in good order and fit and ready for use.

Lights.

5

As to lights during construction of works.

30.—(1.) Before commencing the works authorised by this Order the Company shall apply to the Board of Trade for directions as to the lights to be exhibited and shall in all respects obey any direction given upon that application or afterwards given as to lights by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be 10 in place of every other statutory requirement as to lights during the construction of the works.

(2.) The Company shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such direction. 15

As to lights after completion of works

31.—(1.) After completion or permanent discontinuance or abandonment of the works authorised by this Order the Company shall at the outer extremity of the pier and works or the completed portions thereof or in such other places as may be required exhibit for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such 20 lights (if any) as may be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for directions as to lighting.

(2.) The Company shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions. 25

Provision against danger to navigation.

32.—(1.) In case of injury to or destruction or decay of the works authorised by this Order or any part thereof the Company shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as are directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for directions as to the 30 means to be taken.

(2.) The Company shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions.

Miscellaneous.

35

Recovery of penalties.

33. All penalties shall be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847 and for all the purposes of that Act this Order shall be deemed the special Act.

Arbitration.

34. Any question which under this Order is to be referred to arbitration shall be referred to and determined by a single arbitrator appointed by the Board of 40 Trade.

Extension of 10 & 11 Vict. c. 27. (ss. 28 99) to all Government Departments.

35. Sections twenty-eight and ninety-nine of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Order and the Orders of 1864 and 1865 shall apply to and for the benefit of any Government Department in the same manner as they apply to and for the benefit of the Government 45 Departments specially named in those sections.

36. This Order shall not be taken as a consent to the surrender of any rights interests powers authorities or privileges transferred to the management of the Board of Trade by the Crown Lands Act 1866 nor shall any works under this Order be commenced within limits affected by any such rights interests powers
5 authorities or privileges without the assent of the Board of Trade having been first obtained.

A.D. 1900.
—
Eastbourne.
Saving rights
under Crown
Lands Act
1866.

37. This Order or anything herein contained shall not authorise the Company to take or in any manner interfere with any lands or hereditaments or any right of whatever description belonging to the Queen's most Excellent Majesty in
10 right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty having been first obtained (which consent such Commissioners are hereby authorised to give) neither shall anything in this Order contained extend to take away prejudice diminish or alter any of the estates rights privileges
15 powers or authorities vested in or enjoyed or exercisable by the Queen's Majesty.

Saving rights
of the Crown.

38. The pier and works of the Company shall in respect of all matters crimes or offences arising or committed thereon or within the limits to which this Order extends requiring the cognisance of any justice of the peace be deemed and
20 taken to be within or as forming part of the parish of Eastbourne in the county of Sussex and within the jurisdiction of any justice acting within and for the petty sessional division of which that parish forms part and shall for rating and other purposes be deemed to be within the parish and borough of Eastbourne but the pier and works (except so far as they are rateable at the commencement
25 of this Order) shall not be rateable for a period of five years from the commencement of this Order.

Pier and works
to be deemed
within the
parish of
Eastbourne.

39. All the costs charges and expenses of or incidental to preparing and obtaining this Order or otherwise incurred in reference thereto shall be paid
by the Company.

Costs of Order.

30

ILFRACOMBE HARBOUR.*Ilfracombe.*

*Provisional Order for construction of further works at Ilfracombe
in the County of Devon and the amendment of the Ilfracombe
Harbour Orders of 1870 1873 and 1897.*

Preliminary.

35 1. In this Order the Ilfracombe Harbour Order 1870 the Ilfracombe Harbour Order 1873 and the Ilfracombe Harbour Order 1897 are respectively referred to as the Order of 1870 the Order of 1873 and the Order of 1897.

Orders of 1870
1873 and 1897.

The Harbour Authority.

40 2. The Undertakers named in the Order of 1897 shall be the Undertakers for the purposes of this Order and are in this Order referred to as the Undertakers.

Undertakers.

[225.]

B

A.D. 1900.

*Acquisition of Land.**Ilfracombe.*
Incorporation
of Lands
Clauses Acts.

3. The Lands Clauses Acts except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the Undertakers shall be incorporated with this Order.

Power to
acquire lands
by agreement.

4. For the purposes of the works authorised by this Order the Undertakers may by agreement purchase enter on take and use such of the lands shown on the plan deposited with the Board of Trade with reference to this Order as they think requisite for the purpose of those works or any easement or right over or affecting those lands.

Lands for
extraordinary
purposes.

5. The Undertakers may purchase and hold for extraordinary purposes any lands not exceeding in the whole two acres but this section shall not exempt the Undertakers from any proceedings for a nuisance caused or permitted by them upon any land acquired by them under this Order.

Limits and Works.

Limits.

6.—(1.) The limits within which the Undertakers shall have authority under the Orders of 1870 1873 1897 and this Order and which shall be deemed to be the limits to which the provisions of those Orders extend shall comprise an area defined by an imaginary straight line commencing at the centre of the northern wall of the Britannia Hotel and extending thence to and terminating at a point distant three hundred and thirty yards northward from the said wall and by a second straight line extending due east from the point of termination of the first-mentioned straight line until such second straight line joins the high water line on the western side of Beacon Point and from that point by the high water line in a south-west and westerly direction to a point on the said high water line due south of the southernmost end of the old inner harbour pier and from the last-mentioned point by an imaginary straight line extending sixty yards or thereabouts south-west to and intersecting the Quayfield Road and thence by the centre of the Quayfield Road the Cove Road Broad Street and the Quay to the point of commencement of the firstly-mentioned straight line at the centre of the northern wall of the Britannia Hotel.

(2.) Section eight of the Order of 1870 and section six of the Order of 1897 (with the exception of the proviso to that section) shall cease to have effect as from the commencement of this Order.

Power to
construct
works.

7. Subject to the provisions of this Order and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order with the Board of Trade as the Board of Trade require before the completion of the works in order to prevent injury to navigation the Undertakers may on the lands and in the lines and according to the levels and within the limits of deviation shown on the said deposited plans and sections (so far as the same are shown thereon) make and maintain the pier or jetty authorised by this Order with all necessary works accesses and conveniences.

Description
of works.

8. The works authorised by this Order comprise a pier or jetty in the parish of Ilfracombe in the county of Devon commencing at the seaward termination of the present solid portion of the existing landing berth known as the Crane Berth

and extending thence in a north-easterly direction seawards to and terminating at a point two hundred and fifty yards or thereabouts north-east from the above-mentioned point of commencement. A.D. 1900.
Ilfracombe.

The pier may be constructed as a solid pier or as an open pier or partly in one way and partly in the other.

9. Sections 9 10 11 and 13 of the Order of 1897 (which relate to subsidiary works the power to deviate the consent of the Board of Trade to works and the penalty for obstructing works) shall apply in relation to the works authorised by this Order as they apply in relation to the works authorised by that Order. Subsidiary
works.

10. The pier and works authorised by this Order shall be deemed to be part of the undertaking and works authorised by the Orders of 1870 and 1897 and the powers and provisions of the Order of 1870 as amended or varied by the Orders of 1873 and 1897 and by this Order shall extend and apply to the pier and works accordingly. Provisions of
Order of 1870
to extend to
new pier and
works.

15 *Completion of Works under the Order of 1897 and this Order.*

11.—(1.) The works authorised by this Order shall not be commenced until the pier or breakwater authorised by the Order of 1897 has been completed. Completion of
works autho-
rised by this
Order and
Order of 1897.

(2.) If within two years from the commencement of this Order the works authorised by the Order of 1897 and by this Order and shown on the plans deposited with reference to those Orders are not substantially commenced the powers given by the Order of 1897 or by this Order as the case may be for executing those works or otherwise in relation thereto shall cease unless the time for commencement is extended by the special direction of the Board of Trade.

(3.) If the works authorised by the Order of 1897 or by this Order and so shown on the plans after having been substantially commenced are virtually suspended for twelve consecutive months the powers given by the Order of 1897 or by this Order as the case may be for executing those works or otherwise in relation thereto shall cease except as to so much of those works respectively as are then completed unless those powers are by the special direction of the Board of Trade continued and directed to remain in force for any period not exceeding five years from the commencement of this Order.

(4.) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in that certificate.

Sale or Lease of Undertaking.

12. Section 14 of the Order of 1897 shall extend to the works authorised by this Order and shall as from the commencement of this Order be read and have effect as if the word "Company" were contained therein after the word "person" and as if a reference to the Order of 1870 included a reference to this Order. Amendment of
Order of 1897
as to power to
sell or lease
undertaking.

A.D. 1900.

Finance.

Ilfracombe.
Borrowing
powers.

13.—(1.) The Undertakers may borrow and reborrow at interest on mortgage or on debentures secured on the rates duties or other revenue leviable or to be received under the Orders of 1870 1873 1897 and this Order such money as may be required for the purposes of those Orders not exceeding in the whole together 5 with any money already borrowed under any of the said Orders and for the time being outstanding at any one time the sum of one hundred thousand pounds and may out of any money so borrowed repay any moneys borrowed under the Orders of 1870 and 1873 and still outstanding as and when they may be entitled or liable to make or the lenders may be willing to accept payment thereof. 10

(2.) The Undertakers may secure by mortgage under this section the payment with interest of any money due or to become due to any contractor for the execution of works authorised by the Order of 1897 and by this Order and any money so secured shall be considered to be money borrowed under this Order.

(3.) Subject to the provisions of Section 23 of the Order of 1897 any money 15 borrowed under this Order may be borrowed in such amounts at such times and with such priorities and preferential right to payment both for principal and interest as the Undertakers think fit.

(4.) All sums borrowed by the Undertakers under this Order shall be applied for the purposes of the Orders of 1870 and 1897 and this Order to which capital is 20 properly applicable and not otherwise.

(5.) Sections 17 18 19 and 20 of the Order of 1870 and Sections 3 and 4 of the Order of 1873 (except in so far as they apply to or affect mortgages created thereunder and for the time being in force) and Section 20 of the Order of 1897 shall cease to have effect. 25

Payment of
arrears of
interest and
principal may
be enforced by
appointment of
a receiver.

14. If within two months after the interest on any mortgage granted by the Undertakers has become due or after the period prescribed for the payment of the principal sum on any such mortgage has expired that interest or principal as the case may be is not paid the holder of the mortgage may without prejudice to any other rights remedies or securities apply for the appointment of a receiver 30 under this Order.

Appointment
of a receiver.

15.—(1.) An application for the appointment of a receiver under this Order shall be made to two justices of the peace of the county of Devon and on any such application those justices may by order appoint some person as a receiver to receive the whole or a sufficient part of the rates and duties authorised by this 35 Order until all the arrears of interest or of principal or of principal and interest as the case may be then due on the outstanding mortgage with all costs including the charges of receiving the rates and duties are fully paid and on that appointment being made the rates and duties shall be paid to and received by the receiver. 40

(2.) As soon as the full amount of interest or of principal or of principal and interest as the case may be and costs has been so received the power of the receiver as aforesaid shall cease and after payment of the costs the receiver shall distribute among all the holders of the mortgages to whom interest or principal is in arrear the rates duties and other money which shall have been received by 45 him having regard in that distribution to the priorities (if any) of those mortgages.

A.D. 1900.

16. The amount to authorise the application for the appointment of a receiver shall be one-tenth of the amount of money for the time being borrowed under this Order.

Ilfracombe.
Amount to
authorise
application for
receiver.

17.—(1.) Sections 21 22 23 24 25 26 and 27 of the Order of 1897 shall apply with reference to money borrowed under this Order as they apply with reference to money borrowed under that Order.

Application of
provisions of
Order of 1897.

(2.) Sub-section (4) of Section 26 of the Order of 1897 shall be read and have effect as if the words “according to their respective priorities” were inserted at the end thereof.

10

Erection of a Lighthouse.

18.—(1.) The Undertakers may arrange with the Trinity House for the erection either by the Trinity House or by the Undertakers in a position and according to plans approved by the Trinity House of a lighthouse or beacon light on or near the northern point of Beacon Point or at such other point within the limits to which this Order extends as the Trinity House approve and for the maintenance by the Undertakers of any such lighthouse or beacon light in a manner approved by the Trinity House.

Erection of
lighthouse.

(2.) The payment of the cost of the erection of the lighthouse or beacon light whether erected by the Trinity House or the Undertakers shall be a purpose of this Order to which capital is properly applicable and for which money may be borrowed accordingl under this Order.

(3.) For the purposes of the application of the rates and income of the Undertakers the cost of the maintenance of any such lighthouse or beacon light (if it is maintained by the Undertakers) shall be included in paragraph (2) of Section 26 of the Order of 1897.

(4.) In this section the expression “Trinity House” means the Corporation of Trinity House Deptford Strond.

Life Buoys and Lights.

19. The Undertakers shall at all times keep at the outer extremity of the pier authorised by this Order life-buoys and life-lines in good order and fit and ready for use.

Life-buoy.

20. The maximum penalty under Sections 31 32 and 33 of the Order of 1897 (which relate to the provision of lights) shall be in each case ten pounds for every day instead of ten pounds for every month during which the omission to apply or the refusal or neglect to obey any directions as provided by those sections continues.

Penalty under
Order of 1897
for not provid-
ing lights.

21. Sections 31 32 and 33 of the Order of 1897 (which relate to the provision of lights) shall (as amended by this Order) apply with reference to the works authorised by this Order as they apply with reference to the works authorised by that Order.

Application of
ss. 30 31 32
of the Order of
1897 to this
Order.

Supplemental.

22. Sections 28 and 99 of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Order or the Orders of 1870 or 1897 shall apply to and for the benefit of any Government Department in the same manner as they

Extension of
10 & 11 Vict.
c. 27. (ss. 28
99) to all

A.D. 1900.

Ilfracombe.Government
Departments.

apply to and for the benefit of the Government Departments specially named in those sections.

Saving rights
under Crown
Lands Act
1866.

23. This Order shall not be taken as a consent to the surrender of any rights interests powers authorities or privileges transferred to the management of the Board of Trade by the Crown Lands Act 1866 nor shall any works authorised by this Order be commenced within the limits affected by any such rights interests powers authorities or privileges without the assent of the Board of Trade having been first obtained. 5

Saving rights
of Crown.

24. This Order shall not be taken as a consent to the surrender of nor shall anything in this Order prejudice or affect any property rights interests powers authorities or privileges of Her Majesty in right of Her Crown which are under the management of the Commissioners of Her Majesty's Woods or either of them. 10

Costs of Order.

25. All the costs charges and expenses of or incidental to applying for preparing and obtaining this Order or otherwise incurred in relation thereto shall be paid by the Undertakers out of the moneys to be borrowed under this Order or out of the rates duties and other income received by them under the Order of 1870 or partly in one way and partly in the other. 15

Repeal.

26. The provisions specified in the Schedule to this Order are hereby repealed to the extent mentioned in that Schedule as from the commencement of this Order. 20

Short title and
commence-
ment.

27.—(1.) This Order may be cited as the Ilfracombe Harbour Order 1900 and the Orders of 1870 1873 and 1897 and this Order may be cited as the Ilfracombe Harbour Orders 1870 to 1900.

(2.) This Order shall come into force upon the day when the Act confirming this Order is passed and that day is in this Order referred to as the commencement of this Order. 25

SCHEDULE.

REPEALS.

Short Title.	Provisions Repealed ¹	30
The Ilfracombe Harbour Order 1870 (confirmed by 33 & 34 Vict. c. lxxxii.)	Section eight sections seventeen eighteen nineteen twenty except as respects mortgages created under the Order of 1870 and for the time being in force.	
The Ilfracombe Harbour Order 1873 (confirmed by 36 & 37 Vict. c. lxiii.)	Sections three and four except as respects mortgages created under the Order of 1873 and for the time being in force.	35
The Ilfracombe Harbour Order 1897 (confirmed by 60 & 61 Vict. c. lxxx.)	Section six to "at the Board of Trade" sections fifteen and twenty. also =	

LOWESTOFT (SOUTH PIER).

A.D. 1900.

*Order for the construction maintenance and regulation of a pier
and works at Lowestoft in the county of Suffolk.*

Lowestoft.

The Undertakers.

- 5 1. The Coast Development Company Limited (in this Order called "the Undertakers, Company") shall be the undertakers for carrying this Order into execution.

Acquisition of Land.

- 10 2. The Lands Clauses Acts (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking) are incorporated with this Order and for the purposes of that incorporation the term "special Act" in the said Acts shall mean this Order.

Incorporation
of Lands
Clauses Acts.

- 15 3. For the purpose of the works authorised by this Order the Company may by agreement enter upon take and use such of the lands shown on the plan deposited for the purposes of this Order as they think requisite for the purpose of those works or any easement or right over or affecting those lands.

Power to
take lands.

- 20 4. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid
25 respectively.

Power to take
easements by
agreement.

5. This Order or anything contained therein shall not exempt the Company from any proceedings on account of any nuisance caused or permitted by them upon any land acquired by them under this Order.

Nuisance not
authorised.*Limits and Works.*

- 30 6. The limits within which the Company shall have authority and which shall be deemed the limits to which the provisions of this Order extend shall comprise the works authorised by this Order and the area below high-water mark lying within one hundred and fifty yards from any part of those works.

Limits.

- 35 7. Subject to the provisions of this Order and subject also to such alterations (if any) in the plan and sections deposited with reference to this Order (in this Order referred to respectively as the deposited plan and sections) as the Board of Trade require before the completion of the works in order to prevent injury to navigation the Company may on the lands and in the lines and situation and according to the levels shown on the deposited plan and sections
40 (so far as the same are shown thereon) and within the limits of deviation shown

Power to
construct
works.

A.D. 1900.	on the plan make and maintain the works authorised by this Order with all necessary works accesses and conveniences connected therewith.	
<i>Lowestoft.</i>		
Description of works.	8. The works authorised by this Order (in this Order referred to as "the pier") comprise :— A pier and approaches thereto commencing at a point on the centre line of Claremont Road where it joins or if produced would join the sea front or line of esplanade wall and extending thence seaward in an east-south-easterly direction for two hundred and fifty yards or thereabouts and there terminating. The works will be situate in the parish of Kirtley or Kirkley in the county of Suffolk or on the foreshore or in the sea and bed thereof adjacent thereto. The pier itself shall be constructed as an open work.	5 10
Powers of deviation.	9. The Company in constructing the works may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation shown on the deposited plan and vertically to any extent approved by the Board of Trade.	15
Penalty for obstructing works.	10. If any person wilfully obstructs any person acting under the authority of the Company in setting out the lines of the works authorised by this Order or pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works or defaces or destroys those works or any part thereof that person shall for each offence be liable to a penalty not exceeding five pounds.	20
Powers to cease in certain events.	11.—(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order and shown on the deposited plan and sections are not substantially commenced the powers given by this Order for executing those works or otherwise in relation thereto shall cease unless the time for commencement is extended by the special direction of the Board of Trade. (2.) If those works after having been substantially commenced are virtually suspended for twelve consecutive months the powers given by this Order for executing those works or otherwise in relation thereto shall cease except as to so much of those works as is then completed unless those powers are by the special direction of the Board of Trade continued and directed to remain in force for any period not exceeding five years from the date of the Act confirming this Order. (3.) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in that certificate.	25 30 35
Improvement of pier and accommodation works.	12.—(1.) Subject to the provisions of this Order the Company may maintain and with the consent of the Board of Trade may alter and improve the pier and in connexion with the pier may construct erect maintain alter and improve landing-places landing-stages slips wharves waiting-rooms sheds toll-houses gates embankments sewers drains watercourses roads approaches works and conveniences and may lay down and maintain rails and tramways on or along the pier and may construct provide lay down and maintain mooring posts buoys	40 45

weighing machines cranes hawsers and other appliances and works for the use of vessels frequenting the pier. A.D. 1900.

(2.) A line of rails or tramway constructed under this Order shall not be used for the public conveyance of passengers until it has been inspected and certified by the Board of Trade to be fit for that use. *Lowestoft.*

13. The Company may construct and maintain upon the pier swimming and other baths with all necessary or proper pipes and apparatus and pavilions assembly rooms concert rooms aquaria shops saloons and bazaars kiosks reading refreshment and other rooms lavatories and other conveniences and may make such reasonable charges for the use thereof or for admission thereto as they may think fit and they may furnish stock and equip them and may let the same by the year or on lease for such period not exceeding seven years and upon such terms and conditions as they think fit. *Power to erect baths pavilions &c.*

14. The Company in connexion with the works authorised by this Order may within the limits to which this Order extends dredge scour deepen alter and improve the entrances and channels to the pier and the approaches works and conveniences connected therewith. *Power to dredge &c.*

15. Works authorised by this Order below high-water mark shall not be commenced without the consent in writing of the Board of Trade and shall be executed only in manner approved by the Board of Trade. *Consent of Board of Trade to works below high-water mark.*

Supplemental Provisions as to Management.

16. This Order shall not entitle any person with any vessel or boat to ship or unship at the pier or landing stages authorised to be made under this Order or at any place within the limits of this Order any sheep cattle or merchandise or goods without the consent of the Company. *Restrictions on use of pier &c.*

17. A vessel or boat shall not break bulk within the limits of this Order without the consent of the Company or their pier master. *Vessels not to break bulk within limits without consent.*

18. A vessel or boat shall not be moored or anchor alongside or within one hundred and fifty yards measured in any direction from any part of the pier without the consent of the Company or their pier master. *Vessels not to be moored alongside pier without consent &c.*

19. The Company shall have the appointment of meters and weighers within the limits of this Order. *Meters and weighers.*

20.—(1.) The Company may make byelaws for all or any of the following matters that is to say :— *Byelaws.*

35 For regulating the collection and levying of the rates tolls and charges authorised by this Order ;

For regulating the vessels boats goods and traffic within the limits of this Order ;

40 For regulating the conditions of the user of any portion of the pier or any of the buildings erected thereon ;

For preventing injury to and protecting the buildings and property thereon or attached thereto ;

For regulating the conduct of persons frequenting the pier and buildings and preserving order thereon and therein ; and

45 For regulating the sale of refreshments on the pier and in the buildings.

A.D. 1900.

Lowestoft.

(2.) The byelaws may provide for imposing a penalty not exceeding forty shillings in the event of the breach or non-observance of any of the byelaws.

(3.) A byelaw under this section or under the enactments incorporated with this Order shall not come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes. 5

Rates.

Power to levy rates.

21. When in addition to the certificate to be granted under Section 26 of the Harbours Docks and Piers Clauses Act 1847 a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given the Company may subject and according to the provisions of this Order demand receive and recover for the use of the pier and in respect of the persons animals goods matters and things described in the schedule to this Order any sums not exceeding the rates specified in that schedule. 10 15

Rates may be levied though works not completed.

22. If it is at any time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade but to be paid by the Company that the works authorised by this Order have been so far completed as to afford accommodation for the persons walking on the pier or for the landing and embarking or shipping of passengers animals or goods by means of those works the Company may notwithstanding Section 25 of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the works authorised by this Order have not then been completed demand receive and recover such of the rates or such proportion of all or any of the rates specified in the schedule to this Order as are in the opinion of the Board of Trade commensurate to the increased accommodation afforded. 20 25

Power to close pier on special occasions &c.

23.—(1.) The Company may on any occasions which they deem special but not exceeding twelve days in any one year or for more than three days consecutively close the pier against the public and may if they think fit on those occasions admit any persons to the pier on payment of such special rates of admission not exceeding one shilling for each person as the Company may think fit. 30

(2.) The Company shall on any such occasion reserve a sufficient passage along the pier for any persons landing or embarking at the pier and that reserved passage shall be open for use by those persons at the ordinary charge and without payment of any special rates so long only as they use the pier as a passage and do not remain upon it. 35

Power to vary exemptions from rates and to enter into compositions &c.

24. The Company may confer vary or extinguish exemptions from and enter into compositions with any person with respect to the payment of any rates and charges authorised by this Order and may confer vary or extinguish by agreement all other rights and privileges but so that no preference be in any case given to any person and that anything done under this section shall not prejudice the other provisions of this Order. 40

Pass tickets for use of pier.

25.—(1.) The Company may grant to passengers and promenaders or others for the use of the pier either exclusive or not of any building or room for the 45

time being thereon pass tickets or family tickets at such rates on such terms and for such periods not exceeding one year as may be agreed upon or may issue books containing any number of tickets at a reduced rate but so that no preference be given to any person.

A.D. 1900.

Lowestoft.

- 5 (2.) A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted and a family ticket shall not be used to admit to the pier any person not being one of the family in respect of which it is granted and any such pass ticket or family ticket shall not be used by any person after the period limited for its use.
- 10 (3.) If any person acts in any way in contravention of the provisions of this section or uses or attempts to use any false or counterfeit ticket he shall for each offence be liable to a penalty not exceeding twenty shillings.

- 15 26. The Company may (so far as the rates specified in the schedule to this Order do not extend) demand and receive such rates or other considerations as they think reasonable for the use of any buildings buoys works and conveniences belonging to or provided by them or in respect of any services rendered by them in connexion with the pier.

Power to demand rates &c. for use of buildings &c.

- 20 27. The payment of rates payable under this Order for the use of the pier shall not entitle any person paying the same to the use of the buildings and erections thereon or any of them or any part thereof unless the Company otherwise determine.

Payment of rates not to confer right to use buildings.

- 25 28.—(1.) The Company may lease for any term not exceeding seven years the rates and other charges authorised to be taken by this Order or may let for hire or lease for any term not exceeding seven years any pavilions rooms shops bazaars baths or buildings on the pier separately from any other part of the works authorised by this Order to any person upon such terms (pecuniary or otherwise) and under such restrictions and conditions as they think fit.

Power to lease rates.

- 30 (2.) Where the rates or other charges are leased under this section the lessee (during the continuance of and to the extent provided in his lease) shall have and may exercise all or any of the powers (including powers of levying and recovering rates and other charges) which the Company have or might exercise under the Harbours Docks and Piers Clauses Act 1847 or this Order and shall be subject to all provisions as to accounts and otherwise to which the Company are subject under this Order.

- 35 29. Part V. of the Harbours and Passing Tolls &c. Act 1861 shall apply to the works authorised by this Order.

Part V. of 24 & 25 Vict. c. 47 to apply.

- 40 30. Fishing vessels belonging to countries with which for the time being treaties exist exempting from dues and port charges those vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall when forced by stress of weather to make use of the works authorised by this Order and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Certain fishing vessels under stress of weather exempt from rates.

- 45 31. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and also all persons brought ashore from any vessel in distress shall at all times have

Lifeboat crews exempt from rates.

A.D. 1900. free ingress passage and egress to or along and from the pier without payment.

Board of
Trade may
reduce rates.

32. If at any time the clear annual income derived from the pier on the average of the then three last preceding years after payment of all expenses and outgoings other than payments for interest or principal in respect of money borrowed exceeds interest at the rate of ten per centum per annum on the entire sum appearing to the Board of Trade to have been expended by the Company in executing the works authorised by this Order the Board of Trade may if in their discretion they think fit reduce the rates leviable under this Order or any of them to such amount as will be sufficient to provide the last-mentioned interest at the rate of ten per centum per annum and the rates shall thereupon be reduced accordingly but with power to the Board of Trade at any time to raise them again to sums not exceeding the amounts specified in the schedule to this Order.

Finance.

Power to
borrow money.

33. The Company may borrow and re-borrow on mortgage at interest on the security of the rates charges and other revenue leviable or to be received under this Order such money as may be required for the purposes of this Order not exceeding in the whole one-third of the amount of the capital of the Company expended for the purposes of this Order.

Application of
money
borrowed.

34. Every part of the money borrowed under this Order shall be applied only for the purposes authorised by this Order to which capital is properly applicable and not otherwise.

Payment of
arrears of
interest and
principal may
be enforced by
appointment of
a receiver.

35. If within two months after the interest on any mortgage granted by the Company has become due or after the period prescribed for the payment of the principal sum on any such mortgage has expired that interest or principal as the case may be is not paid the holder of the mortgage may without prejudice to any other rights remedies or securities apply for the appointment of a receiver under this Order.

Appointment
of a receiver.

36.—(1.) An application for the appointment of a receiver under this Order shall be made to two justices of the peace of the county of Suffolk and on any such application those justices may by order appoint some person as a receiver to receive the whole or a sufficient part of the rate authorised by this Order until all the arrears of interest or of principal or of principal and interest as the case may be then due on the outstanding mortgage with all costs (including the charges of receiving the rates) are fully paid and on that appointment being made the rates shall be paid to and received by the receiver.

(2.) As soon as the full amount of interest or of principal or of principal and interest as the case may be and costs has been so received the power of the receiver shall cease and after payment of the costs the receiver shall distribute among all the holders of the mortgages to whom interest or principal is in arrear the rates and other money which shall have been received by him having regard in that distribution to the priorities (if any) of those mortgages.

Amount to
authorise
application for
receiver.

37. The amount to authorise the application for the appointment of a receiver shall be one-tenth of the amount of money authorised to be borrowed by this Order.

38. The revenue received from rates or otherwise under this Order shall be applicable for the purposes and in the order following and not otherwise :—

A.D. 1900.

*Lowestoft.*Application of
rates &c.
received.

5 (1.) In paying the expense properly chargeable to revenue of the maintenance repair and management of the pier and of carrying into effect any powers given by this Order ;

(2.) In payment year by year of the interest accruing on money borrowed under this Order ;

(3.) The surplus (if any) after providing for the purposes aforesaid shall belong to the Company for their own use.

10 39.—(1.) The Company within one month after sending to the clerk of the peace the copy of their annual account in abstract (which account shall be made up to the end of the day of the twenty-fifth day of March in each year) shall send a copy thereof to the Board of Trade and Section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such

Annual account
to be sent to
Board of
Trade.
25 & 26 Vict.
c. 19.

15 account.

(2.) If the Company refuse or neglect to comply with this provision they shall for each refusal or neglect be liable to a penalty not exceeding ten pounds.

Life-saving Apparatus.

20 40.—(1.) Sections 16 to 19 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order but the Company shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near to the pier and build on that site a house and other proper accommodation for a lifeboat rocket apparatus and

Provision of
accommodation
for life-boat &c.
if required.

25 other life-saving apparatus.

(2.) If the Company fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues.

30 41. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily and without payment attach or cause to be attached to any part of the pier spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the pier.

Life-saving
apparatus may
be attached to
pier.

35 42. The Company shall at all times keep at the outer extremity of the pier life-buoys and life lines in good order and fit and ready for use.

Life-buoys to
be kept.

Lights.

40 43.—(1.) Before commencing the works authorised by this Order the Company shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards given as to the like matters by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to those matters

As to lights
during
construction
of works.

45 during the construction of the works.

A.D. 1900.

*Lowestoft.*As to lights
after com-
pletion of
works.

(2.) The Company shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such directions.

44.—(1.) After completion or permanent discontinuance or abandonment of the works authorised by this Order the Company shall exhibit at the outer extremity 5 of the pier or the completed portions thereof or in such other places as may be required for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and take such other steps for the prevention of danger to navigation as may be directed by the Corporation of Trinity House Deptford Strond and the Company 10 shall apply to that Corporation for such directions.

(2.) The Company shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions.

Provision
against danger
to navigation.

45.—(1.) In case of injury to or destruction or decay of the works authorised 15 by this Order or any part thereof the Company shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as are directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for such directions.

(2.) The Company shall be liable to a penalty not exceeding ten pounds for 20 every day during which they omit so to apply or refuse or neglect to obey any such directions.

*Miscellaneous.*Recovery of
penalties.

46. All penalties shall be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847 and for 25 all the purposes of that Act this Order shall be deemed the special Act.

Extension of
10 & 11 Vict.
c. 27 (ss. 28,
99) to all
Government
Departments.

47. Sections 28 and 99 of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Order shall apply to and for the benefit of any Govern- 30 ment Department in the same manner as they apply to and for the benefit of the Government Departments specially named in those sections.

Saving rights
under Crown
Lands Act
1866.

48. This Order shall not be taken as a consent to the surrender of any rights interests powers authorities or privileges transferred to the management of the Board of Trade by the Crown Lands Act 1866 nor shall any works under this Order be commenced within limits affected by any such rights interests powers authorities or privileges without the assent of the Board of Trade having 35 been first obtained.

Saving rights
of the Crown.

49. This Order or anything herein contained shall not authorise the Company to take or in any manner interfere with any lands or hereditaments or any rights of whatever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods 40 without the consent in writing of the Commissioners of Woods on behalf of Her Majesty having been first obtained (which consent such Commissioners are hereby authorised to give) neither shall anything in this Order contained extend to take away prejudice diminish or alter any of the estates rights privileges.

powers or authorities vested in or enjoyed or exercisable by the Queen's Majesty. A.D. 1900.

50. All the costs charges and expenses of or incidental to preparing and obtaining this Order or otherwise incurred in reference thereto shall be paid by the Company. *Lowestoft.*
Costs of Order.

51. This Order may be cited as the Lowestoft (South) Pier Order 1900. Short title.

The SCHEDULE to which the foregoing Order refers.

I.—RATES FOR USE OF PIER.

	s.	d.
10 For every master of any vessel boat or wherry using the pier for the purpose of going to or returning from his own vessel boat or wherry an annual sum not exceeding - - - - -	10	0
Or if the annual sum is not paid for each time - - - - -	0	1
For every other person using the pier for the purpose of landing from or		
15 embarking on board of any ship vessel or boat of any kind whatever for each time any sum not exceeding - - - - -	0	4
Save as above and save as herein-after mentioned for every person using the pier for each time any sum not exceeding - - - - -	0	2
For every person using the pier between the hours of 6 p.m. and 10 p.m.		
20 on any day on which a concert or other public entertainment is held in any pavilion building or room for the time being on the pier for at least one and a half hours between the said hours of 6 p.m. and 10 p.m. - - - - -	0	6
For every bath or sedan chair (including driver or carriers) taken on		
25 the pier for each time any sum not exceeding - - - - -	0	4
For every perambulator (including driver) taken on the pier for each time any sum not exceeding - - - - -	0	2

II.—RATES ON PASSENGERS' LUGGAGE LANDED SHIPPED OR TRANSHIPPED AT THE PIER.

30 For every trunk portmanteau box parcel or other package within the description of luggage and not borne by the passenger:		
Not exceeding 28 lbs. in weight - - - - -	0	2
Over 28 lbs. and not exceeding 56 lbs. - - - - -	0	3
Over 56 lbs. and not exceeding 84 lbs. - - - - -	0	4
35 Over 84 lbs. and not exceeding 112 lbs. - - - - -	0	5
Over 112 lbs. and not exceeding 140 lbs. - - - - -	0	6
Over 140 lbs. and not exceeding 196 lbs. - - - - -	0	7
Over 196 lbs. and not exceeding 2 cwt. - - - - -	0	8
And for every 20 lbs. weight in addition or part thereof - - - - -	0	1

A.D. 1900.
Lowestoft.III.—RATES ON GOODS SHIPPED TRANSHIPPED OR
UNSHIPPED AT THE PIER.

	s.	d.	
Ale beer and porter in cask per 54 gallons	-	0	6
Ale beer or porter bottled per 35 gallons	-	0	4
Ale beer or porter bottled per dozen quarts	-	0	2
Ale beer or porter bottled per dozen pints	-	0	1
Anchors per cwt.	-	0	3
Anchor stock per foot run	-	0	3
Ballast per ton	-	1	6
Bark per ton	-	1	6
Beef or pork per cwt.	-	0	3
Biscuit or bread per cwt.	-	0	3
Blubber per 252 gallons	-	3	0
Bones and bone dust per ton	-	1	0
Bottles per gross	-	0	9
Bricks per 1000	-	1	0
Butter and lard per cwt.	-	0	2
Bicycles and tricycles each	-	0	3
Cables iron or hempen per ton	-	3	0
Canvas per 40 yards	-	0	1
Carriages chaises and other four-wheeled carriages each	-	3	6
Gigs carts and other two-wheeled carriages each	-	2	0
Handcarts each	-	1	0
Casks (empty) not being returned packages each	-	0	3
Cattle:			
Bulls cows and oxen each	-	1	0
Calves each	-	0	9
Horses each	-	1	0
Mules ponies or donkeys each	-	1	0
Pigs each	-	0	3
Sheep each	-	0	3
Chalk per ton	-	1	0
Cheese per cwt.	-	0	4
Chimney pots each	-	0	2
Clay per ton	-	1	0
Cloth haberdashery &c. per cwt.	-	0	6
Coals per ton	-	0	6
Copper per ton	-	3	0
Cordage per cwt.	-	0	3
Cork per cwt.	-	0	6
Crystal per ton	-	5	0
Dogs each	-	0	6
Drugs (in casks hampers or boxes) per cubic foot	-	0	2
Earthenware (in crates) per cubic foot	-	0	1
Eggs per cwt.	-	0	2

		s.	d.	A.D. 1900.
	Fish (not sold by auction) turbon brill halibut soles cod and ling			<u>Lowestoft.</u>
	per cwt. - - - - -	-	0 3	
	Fish (not sold by auction) herrings (fresh) per 1000	-	0 3	
5	Fish (not sold by auction) herrings (salt) per cwt.	-	0 3	
	Fish (not sold by auction) oysters crabs and lobsters per half-cwt.	-	0 2	
	Fish (not sold by auction) (dried and salted) per cwt.	-	0 3	
	Fish (not sold by auction) (fresh) not enumerated per cwt.	-	0 2	
	Fish of all kinds (sold by auction) 1 <i>l.</i> per cent. upon the gross amount			
10	realised by the sale.			
	Flax per ton - - - - -	-	2 0	
	Flour and meal per 4 bushels - - - - -	-	0 3	
	Flour and meal per cwt. - - - - -	-	0 4	
	Furniture (household) per 5 cubic feet - - - - -	-	0 4	
15	Fruit per bushel - - - - -	-	0 4	
	Fuel (manufactured) per ton - - - - -	-	0 6	
	Glass per cwt. - - - - -	-	0 3	
	Grains and seeds per cwt. - - - - -	-	0 2	
	Groceries not enumerated per cwt. - - - - -	-	0 6	
20	Guano per ton - - - - -	-	1 0	
	Gunpowder per cwt. - - - - -	-	0 6	
	Hams bacon or tongues per cwt. - - - - -	-	0 4	
	Hardware per ton - - - - -	-	2 6	
	Hares and rabbits per dozen - - - - -	-	0 4	
25	Hay per ton - - - - -	-	1 6	
	Hemp per ton - - - - -	-	2 0	
	Hides :			
	Ox cow or horse (wet or dry) each - - - - -	-	0 1	
	Ice per ton - - - - -	-	1 0	
30	Iron :			
	Bar bolt rod and shots per ton - - - - -	-	1 6	
	Pig and old per ton - - - - -	-	1 0	
	Manufactured per ton - - - - -	-	2 6	
	Pots each - - - - -	-	0 1	
35	Kelp per ton - - - - -	-	2 0	
	Lead per ton - - - - -	-	2 0	
	Leather tanned and dressed per cwt. - - - - -	-	0 3	
	Lime per 28 bushels - - - - -	-	1 4	
	Limestone per ton - - - - -	-	0 6	
40	Machinery per ton - - - - -	-	2 6	
	Manure (not enumerated) per ton - - - - -	-	0 4	
	Masts and spars 10 inches in diameter and upwards each - - - - -	-	2 0	
	Masts and spars under 10 inches in diameter each - - - - -	-	1 6	
	Meat (fresh) per cwt. - - - - -	-	0 2	
45	Milk per three gallons - - - - -	-	0 0½	
	Musical instruments per cubic foot - - - - -	-	0 1	
	Mussels or other bait for fish per ton - - - - -	-	1 0	
	Nets per 5 cubic feet - - - - -	-	0 4	

[225.]

D

A.D. 1900

								s.	d.	
<i>Lowestoft.</i>	Oakum per cwt.	-	-	-	-	-	-	-	0 2	
	Oils per ton	-	-	-	-	-	-	-	2 0	
	Oil cake per ton	-	-	-	-	-	-	-	1 6	
	Oranges and lemons per cwt.	-	-	-	-	-	-	-	0 6	5
	Ores per ton	-	-	-	-	-	-	-	1 0	
	Paint per cwt.	-	-	-	-	-	-	-	0 2	
	Peat per ton	-	-	-	-	-	-	-	0 6	
	Perambulators each	-	-	-	-	-	-	-	0 3	
	Pitch and tar per cwt.	-	-	-	-	-	-	-	0 2	10
	Potatoes per cwt.	-	-	-	-	-	-	-	0 2	
	Poultry and game per dozen	-	-	-	-	-	-	-	0 4	
	Rags and old rope per ton	-	-	-	-	-	-	-	2 0	
	Sails per cwt.	-	-	-	-	-	-	-	0 3	
	Salt per ton	-	-	-	-	-	-	-	1 0	15
	Sand per ton	-	-	-	-	-	-	-	0 4	
	Shrimp baskets each	-	-	-	-	-	-	-	0 2	
	Skins :									
	Calf goat sheep lamb or dog per dozen	-	-	-	-	-	-	-	0 6	
	Slates per 24 cubic feet	-	-	-	-	-	-	-	0 3	20
	Spirits per 54 gallons	-	-	-	-	-	-	-	1 0	
	Spirits per gallon	-	-	-	-	-	-	-	0 0½	
	Steel per ton	-	-	-	-	-	-	-	3 0	
	Stones per 16 cubic feet	-	-	-	-	-	-	-	1 6	
	Sugar per cwt.	-	-	-	-	-	-	-	0 3	25
	Tallow soap and candles per cwt.	-	-	-	-	-	-	-	0 3	
	Tea per 56 lbs.	-	-	-	-	-	-	-	1 0	
	Tiles per 1000	-	-	-	-	-	-	-	1 0	
	Tin and zinc per ton	-	-	-	-	-	-	-	3 0	
	Tobacco per cwt.	-	-	-	-	-	-	-	0 3	30
	Turnips per ton	-	-	-	-	-	-	-	0 6	
	Turpentine and varnish per cwt.	-	-	-	-	-	-	-	0 2	
	Turtle each	-	-	-	-	-	-	-	2 6	
	Vegetables (not enumerated) per cwt.	-	-	-	-	-	-	-	0 1	
	Vinegar per 54 gallons	-	-	-	-	-	-	-	0 6	35
	Vitriol per 36 gallons	-	-	-	-	-	-	-	0 1	
	Water per 54 gallons	-	-	-	-	-	-	-	0 3	
	Wine per 54 gallons	-	-	-	-	-	-	-	1 0	
	Wine (bottled) per gallon	-	-	-	-	-	-	-	0 1	
	Wood :									40
	Per 50 feet	-	-	-	-	-	-	-	1 0	
	Firewood and laths and lathwood per 216 cubic feet	-	-	-	-	-	-	-	1 6	
	Spars and oars per 120	-	-	-	-	-	-	-	2 6	
	Trenails and wedges per 1000	-	-	-	-	-	-	-	2 6	
	Pipe staves and others in proportion per 120	-	-	-	-	-	-	-	2 6	45
	Lignum vitæ and fustic logwood mahogany and rosewood per ton	-	-	-	-	-	-	-	2 0	
	Wool per cwt.	-	-	-	-	-	-	-	0 2	

	s.	d.	A.D. 1900.
Yarn per cwt. - - - - -	-	0 2	<u>Lowestoft.</u>
All other goods not particularly enumerated above—			
Light goods per cubic foot - - - - -	-	0 1	
5 Heavy goods per ton - - - - -	-	2 0	
In charging the rates on goods the gross weight or measurement of all goods to be taken and for any less weights measures and quantities than those above specified a proportion of the respective rates shall be charged.			

10 IV.—FOR USE OF CRANES WEIGHING MACHINES AND SHEDS.

1. Rates of Cranage.

All goods or packages not exceeding 1 ton - - - - -	-	0 4
Exceeding 1 ton and not exceeding 2 tons - - - - -	-	0 6
Exceeding 2 tons and not exceeding 3 tons - - - - -	-	0 8
15 Exceeding 3 tons and not exceeding 4 tons - - - - -	-	0 10
Exceeding 4 tons and not exceeding 5 tons - - - - -	-	1 0
Exceeding 5 tons and not exceeding 6 tons - - - - -	-	1 2
Exceeding 6 tons and not exceeding 7 tons - - - - -	-	1 4
Exceeding 7 tons and not exceeding 8 tons - - - - -	-	1 6
20 Exceeding 8 tons and not exceeding 9 tons - - - - -	-	1 10
Exceeding 9 tons and not exceeding 10 tons - - - - -	-	2 4
Exceeding 10 tons - - - - -	-	3 6

2. Weighing Machines

For goods weighed for each ton or part of a ton - - - - -	-	0 2
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3. Shed Dues

- 25 For each ton of goods which shall remain in the sheds or on the other works of the pier for a longer time than 24 hours the sum of 3d. and the sum of three-halfpence per ton for each day during which such goods shall remain after the first 24 hours.
- 30 For every portmanteau trunk parcel or other article of passengers' luggage for each day or part of a day per package - - - - - 0 2
- It shall be at the option of the Company to ascertain the amount of rates payable on goods either by weight or by measurement forty cubic feet being held equal to one ton.

A.D. 1900.

PORTESSIE HARBOUR.

Portessie.

*Provisional Order for the construction maintenance and regulation
of a Harbour and Works at Portessie in the Parish of
Rathven and County of Banff.*

The Undertakers.

5

Undertakers.

1. The Portessie Harbour Commissioners as incorporated by this Order (in this Order called "the Commissioners") shall be the Undertakers for carrying this Order into execution.

Incorporation and Constitution of Commissioners.

Incorporation
of Commis-
sioners.

2. For the purpose of carrying this Order into execution there shall be a 10
body of Commissioners not exceeding fifteen in number constituted as provided
in this Order and those Commissioners are hereby incorporated for the purposes
of this Order by the name of the Portessie Harbour Commissioners and by that
name shall be a body corporate with perpetual succession and a common seal
and with power to purchase take hold and dispose of lands and other property 15
for the purposes of but subject to the restrictions of this Order.

Incorporation
of parts of
Commissioners
Clauses Act
1847.

3. The Commissioners Clauses Act 1847 (except so much thereof as relates
to the election and rotation of the Commissioners where the Commissioners are
to be elected by the ratepayers or other like class of electors) is incorporated
with this Order. 20

First Commis-
sioners.

4.—(1.) The following persons namely Alexander Clark William Imlach
Alexander Garden Peter Smith George Farquhar William Clark John McIntosh
James Smith Alexander Smith William Simpson Peter Cowie William Smith
George Smith William Smith junior and James Skinner Paterson shall be the
first Commissioners. 25

(2.) The first Commissioners shall come into office at the expiration of
fourteen days from the date of the commencement of this Order and shall go out
of office on the day on which the Commissioners first elected under this Order
come into office.

Election of
Commissioners
by ratepayers.

5.—(1.) The Commissioners other than the first Commissioners named in this 30
Order shall be elected by the persons paying parochial and other rates within
the district specified in this section as those persons appear on the valuation roll
for the county of Banff and those persons are in this Order referred to as the
ratepayers.

(2.) The specified district is the district bounded as follows— 35

By a line starting at the point where the Rathven Burn falls into the Moray
Firth

Thence in an easterly direction along the seashore to a point in line with the
west end of the porter's lodge at Strathlene

Thence in a southerly direction to the road leading from Portessie to 40
Findochty

Thence in an easterly direction along the said road to its junction with the road leading to Rathven Public School A.D. 1900.

Thence in a southerly direction along the last-mentioned road to the bridge over the Great North of Scotland Railway

Portessie.

5 Thence in a westerly direction along the said railway to the bridge across the Rathven Burn and

Thence in a northerly direction along the east bank of the said Rathven Burn to the point of starting.

10 6. The following provisions shall have effect with reference to the election of Commissioners :— Mode of election of Commissioners.

(1) On the first Tuesday in the month of December next following the commencement of this Order the ratepayers shall elect fifteen persons to be Commissioners and those Commissioners shall come into office on the Tuesday next after their election.

15 (2) In each year after the year of the first election one-third of the Commissioners shall retire from office on the second Tuesday in the month of December and on the first Tuesday in the month of December the ratepayers shall elect five persons to be Commissioners to supply the places of the Commissioners so retiring.

20 (3) A retiring Commissioner shall be eligible for re-election.

(4) The Commissioners to retire from office at the expiration of the first year after the first election shall be those five who at the first election had the smallest number of votes and the Commissioners to retire from office at the expiration of the second year shall be those five who had the next smallest number of votes at the first election and thereafter the five Commissioners to retire from office shall be those who have been longest in office. Where there has been an equality of votes the Commissioners shall themselves decide at a special meeting convened for the purpose as between the persons having an equal number of votes who is to retire from office.

30 (5) The election of Commissioners shall take place at a meeting of the ratepayers to be convened by the Commissioners and held in the Town Hall of Portessie or other convenient place suitable for holding the meeting.

35 (6) The Commissioners shall cause not less than seven clear days notice of the date time and place of the meeting to be published by notice affixed to the door of the town hall or some other conspicuous place on the outside thereof and shall also publish notice by advertisement in any other convenient manner.

(7) The election at any such meeting shall be by show of hands.

40 (8) Every candidate for the office of Commissioner shall be proposed at the meeting by two ratepayers.

45 (9) The clerk to the Commissioners or one of the Commissioners for the time being shall act as chairman of the meeting and shall declare the number of votes given to each candidate and in the case of equality of votes the chairman shall have a second or casting vote and in case his decision as to the votes is challenged he shall cause the number of ratepayers voting for

- A.D. 1900.** any candidate to be ascertained by taking a division or in some other convenient manner.
- Portessie.** (10) The candidates having the greatest number of votes shall be the Commissioners.
- (11) The decision of the chairman as to the result of the division or the ascertainment of the number of ratepayers voting and as to the persons elected shall be final. 5
- (12) The chairman of the meeting shall report to the Commissioners the names of the persons elected as Commissioners.
- Commissioner may resign.** 7. A Commissioner may resign office at any time upon giving not less than three weeks' notice in writing of his resignation to the clerk of the Commissioners. 10
- Casual vacancies.** 8.—(1.) In the event of a casual vacancy occurring in the office of Commissioner by reason of death resignation failure to make a valid election or otherwise from any cause other than retirement from office in the regular course the other Commissioners shall as soon as may be thereafter at a special meeting of the Commissioners elect a person to fill the vacancy and the Commissioner so elected shall continue in office for the same period and retire from office at the same time as the person whose vacancy he fills would in ordinary course have continued in office or retired from office. 15
- (2.) In case of an equality of votes at any such election the chairman for the time being of the Commissioners shall have a second or casting vote. 20
- Validity of acts of Commissioners.** 9.—(1.) The Commissioners may act notwithstanding any vacancy in their body but if the number of the Commissioners is reduced below ten they shall act only for the purpose of causing vacancies in their body to be filled up. 25
- (2.) Every act of the Commissioners or of any person acting under their authority shall notwithstanding any defect in the appointment of or any disqualification of any person party to or doing the act be as valid as if there had been no such defect or disqualification.
- Meetings of Commissioners.** 10. Half-yearly meetings of the Commissioners shall be held upon the third Friday of the months of April and December of each year at twelve of the clock noon at a place fixed by the Commissioners and other meetings shall be held as the Commissioners direct. 30
- Special meetings.** 11. The clerk to the Commissioners on requisition being made to him stating in writing the object of the intended meeting and signed by the chairman or two of the Commissioners shall cause special meetings to be called within forty-eight hours and to be held within four days after such requisition. 35
- Acquisition of Land.*
- Incorporation of Lands Clauses Acts.** 12. The Lands Clauses Acts (except so much thereof as relates to the purchase and taking of land otherwise than by agreement and to the entry upon lands by the promoters of the undertaking) are hereby incorporated with this Order. 40
- Power to take lands by agreement.** 13. For the purposes of the works authorised by this Order the Commissioners may by agreement enter on take and use such of the lands shown on the plan deposited with reference to this Order as they think requisite for the purposes of those works. 45

Portessie.

14. The Commissioners may purchase and hold for extraordinary purposes any land not exceeding in the whole one acre.

Lands for extraordinary purposes.

15. This Order or anything therein contained shall not exempt the Commissioners from any proceedings on account of any nuisance caused or permitted by them on any land acquired by them under this Order.

Nuisance not authorised.

Limits and Works.

16.—(1) The limits of the harbour for the purposes of this Order (herein-after referred to as “the harbour limits”) and within which the Commissioners shall have authority and which shall be deemed the limits to which this Order and the power to levy rates extend shall comprise the harbour works authorised by this Order and the area or part of the Bay of Portessie outside the line of high water mark and lying within a line fifty yards out from the outward side of the said harbour works consisting of the pier and breakwater the part of the limit parallel with and fifty yards out from the breakwater being produced in the same straight line landward and meeting the line of high water mark at a point four hundred and forty yards measured along high water mark eastward from the centre of the landward end of the pier at the west side of the harbour.

Limits of harbour.

(2) The expression “harbour” in this Order means unless the context otherwise require the harbour within the harbour limits.

17. Subject to the provisions of this Order and subject also to such alterations (if any) in the plan and sections deposited with reference to this Order as the Board of Trade require before the completion of the works in order to prevent injury to navigation the Commissioners may on the lands and in the lines and according to the levels shown on the said plan and sections and within the limits of deviation so far as the limits are shown thereon make and maintain the works authorised by this Order.

Power to construct works.

18. The works authorised by this Order (in this Order referred to as “the harbour works”) comprise—

Description of works.

(1) A pier (herein-after referred to as “Work No. 1”) commencing at or near high-water mark of spring tides at a point one hundred and twenty feet north twenty-four degrees east from the north-west corner of the house belonging to Mrs. Catherine Farquhar and Alexander Farquhar being the first house east of the junction of the road leading to Loanhead Farm with the Shore Road in the village of Portessie and extending seaward in the direction of north ten degrees west for a distance of three hundred and twenty feet thence in the direction of north fifteen degrees east for a distance of two hundred and thirty-five feet thence in the direction north forty-one degrees east for a distance of one hundred and thirty-three feet and thence in a due easterly direction for a distance of sixty-five feet and there terminating in the sea.

(2) A breakwater (herein-after referred to as “Work No. 2”) commencing in the sea at a point east thirty-three degrees north and seventy feet distant from the termination of the pier Work No. 1 and thence extending in a due easterly direction for a distance of one hundred and fifty feet and there terminating in the sea about forty feet out from low-water line of ordinary spring tides.

The works will be situate in the said parish of Rathven and county of Banff and in the bed of Portessie Bay and the foreshore thereof being part of the

A.D. 1900. Moray Firth and opposite or partly opposite the eastern portion of Portessie village.
Portessie.

Works No. 1 and No. 2 will both be constructed solid throughout.

Power to deviate.

19. The Commissioners in constructing the harbour works may with the consent in writing of the Board of Trade deviate laterally to any extent within 5 the limits of deviation shown on the deposited plan and vertically to any extent approved by the Board of Trade.

Penalty for obstructing works.

20. If any person wilfully obstructs any person acting under the authority of the Commissioners in setting out the lines of the harbour works or pulls up or removes any poles or stakes driven into the ground for the purpose of setting 10 out the lines of those works or defaces or destroys those works or any part thereof that person shall for each offence be liable to a penalty not exceeding five pounds.

Powers to cease in certain events.

21.—(1) If within two years from the commencement of this Order the harbour works are not substantially commenced the powers given by this Order 15 for executing those works or otherwise in relation thereto shall cease unless the time for commencement is extended by the special direction of the Board of Trade.

(2) If those works after having been substantially commenced are virtually suspended for twelve consecutive months the powers given by this Order for 20 executing those works or otherwise in relation thereto shall cease except as to so much of those works as is then completed unless those powers are by the special direction of the Board of Trade continued and directed to remain in force for any period not exceeding five years from the commencement of this Order. 25

(3) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in that certificate. 30

Power to construct or lease warehouses and other buildings &c.

22. Subject to the provisions of this Order the Commissioners may construct and maintain or take on feu or lease all warehouses offices sheds weighing machines cranes and other works buildings and conveniences which may be found necessary or convenient in connection with the works for the accommodation of vessels and traffic landed in or embarked from the harbour or harbour 35 works.

Excavating rock and dredging harbour.

23. Within the harbour limits and for the purpose only of the construction improvement and maintenance of the harbour and the harbour works the Commissioners may excavate and remove any rocks or stone or shingle or mud and dredge scour deepen and improve the entrances channels approaches and 40 site of the harbour.

Disposal of rock and dredging &c.

24.—(1.) All rock and stone sand mud and other materials excavated dredged up or removed within the harbour limits shall be the property of the Commissioners and they may sell or otherwise dispose of the same or lay down and use the same in another place within those limits as they think fit. 45

(2.) All money arising from any sale or other application of rock stone sand mud and other materials under this section after payment of any expenses connected therewith shall be applied as part of the revenue of the harbour. A.D. 1900.
Portessie.

25. Any works authorised by this Order below high-water mark shall not be commenced without the consent in writing of the Board of Trade and shall be executed only in manner approved by the Board of Trade. Consent of Board of Trade to works.

Supplemental Provisions as to Management.

26. A vessel shall not anchor within the harbour limits without the consent of the Commissioners or their harbour master. Vessels not to anchor within certain limits.

10 27. The Commissioners or their harbour master shall have the appointment of meters and weighers within the harbour limits. Meters and weighers.

28.—(1.) The Commissioners may in addition to the power to make byelaws under the Harbours Docks and Piers Clauses Act 1847 make byelaws for the regulation and control— Power to make byelaws.

15 Of vessels within the harbour limits
Of the fishermen and others frequenting or resorting to or employed at the harbour within the harbour limits;
Of the embarking disembarking loading or unloading of any goods or traffic at the harbour works or within the harbour limits.

20 (2.) The byelaws may provide for imposing and recovering a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws.

(3.) A byelaw under this section shall not come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

25 *Rates.*

29. When in addition to the certificate to be granted under the twenty-sixth section of the Harbours Docks and Piers Clauses Act 1847 a certificate has also been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the harbour works have been given the Commissioners may subject and according to the provisions of this Order demand recover and receive in respect of the vessels persons animals fish goods matters and things described in the Schedule to this Order any sums not exceeding the rates specified in that Schedule. Power to levy rates.

35 30. If it is at any time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade but to be paid by the Commissioners that the harbour works have been so far completed as to afford reasonable accommodation for vessels and boats and for loading and unloading of fish and other goods at the harbour the Commissioners may notwithstanding the twenty-fifth section of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the harbour works have not then been completed demand recover and receive such of the rates or such proportion of all or any of the rates specified in the Schedule to this Order as are in the opinion of the Board of Trade commensurate to the increased accommodation afforded. Rates may be levied when part of work completed.

A.D. 1900.

*Portessie.*Rates for
ballast.Rates for use
of warehouses
&c.Power to
confer exemp-
tions from
rates &c.Revision of
rates.Master of
fishing vessel
to report take
of fish.Harbour
master may
prevent sailing
of vessels when
rates have not
been paid.Certain fishing
vessels under
stress of
weather
exempt from
rates.Power to
apply local
contributions
and to borrow.

31. The Commissioners may demand and receive such rates as they think proper for the supply and removal of ballast for the accommodation of vessels.

32. The Commissioners may (so far as the rates specified in the Schedule to this Order do not extend) demand and receive such rates or other consideration as they may think reasonable for the use of any warehouses buildings yards works and conveniences belonging to or provided by them or in respect of any services rendered by them in connection with the harbour. 5

33. The Commissioners may confer vary or extinguish exemptions from and enter into composition with any person with respect to the payment of the rates authorised by this Order but so that no preference be in any case given to any person and that anything done under this section shall not prejudice the other provisions of this Order. 10

34.—(1.) The rates to be levied by the Commissioners for the time being under this Order shall be adjusted by the Commissioners within the maximum rates specified in the Schedule to this Order in such a manner that so far as possible the income of the harbour shall not for the time being be more than is sufficient for the purposes of this Order. 15

(2.) If at any time it appears to the Board of Trade from the annual account to be sent to them under this Order that the clear annual income derived from the harbour on the average of the three last preceding years after payment of all expenses and outgoings exceeds the amount sufficient for the purposes of this Order that Board may if they think fit reduce the maximum rates to such sums as will be sufficient to provide the amount aforesaid and may at any time raise those maximum rates again so that they do not exceed the sums specified in the Schedule to this Order. 20 25

35.—(1) The master or owner of every vessel with a take or cargo of fish shall on the arrival of the vessel within the harbour limits forthwith furnish to the collector of rates a true and accurate statement of his take or cargo of fish and the name of every person obtaining delivery thereof.

(2) If the master of a vessel fails to comply with this section he shall be liable to a penalty not exceeding ten pounds. 30

36. The harbour master may prevent the removal or sailing out of the harbour of any vessel in respect of which or the goods imported or exported therein any rates are payable until evidence has been produced to him of the payment of those rates to the collector of rates or in the case of a vessel with a take or cargo of fish until the master of the vessel has furnished the statement of his take or cargo of fish required by this Order. 35

37. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when driven by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall when forced by stress of weather to make use of the harbour and not breaking bulk while making use thereof be exempt from rates leviable under this Order. 40

Finance.

38.—(1.) The Commissioners may accept and apply towards the purposes of this Order any moneys which may be locally contributed by gift. 45

(2) The Commissioners may borrow and re-borrow at interest such money as may be required for the purposes of this Order not exceeding in the whole the sum of twenty thousand pounds on the security of the rates authorised by this Order or they may accept and take from any bank or banking company credit for any amount not exceeding in the whole the said sum of twenty thousand pounds on a cash account to be opened and kept in the name of the Commissioners according to the usage of bankers in Scotland but so that the whole sum owing by the Commissioners on such cash account and for other money borrowed and for the time being unpaid shall not exceed in the whole the sum of twenty thousand pounds exclusive of interest and the Commissioners may grant bonds and assignations of the rates in security of the repayment of the sum or sums so borrowed or of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon respectively and such bonds and assignations and any transfers thereof may be in the forms contained in the Commissioners Clauses Act 1847 incorporated with this Order.

A.D. 1900.

Portessie.

39.—(1) The mortgagees of the Commissioners may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor.

For appointment of a judicial factor.

(2) In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than one thousand pounds in the whole.

(3) In Sections 86 and 87 of the Commissioners Clauses Act 1847 incorporated with this Order the expression "receiver" shall mean judicial factor.

40. All money borrowed under this Order shall be applied only for the purposes of the Order for which capital money may properly be applied and not otherwise.

Application of money borrowed.

41. The Commissioners may if they think fit form and maintain a contingency fund not exceeding in amount for the time being the sum of two thousand pounds to meet any extraordinary claim or demand or any unforeseen accident or extraordinary damage which may happen or be caused to the harbour or harbour works and for that purpose may appropriate and set apart (subject to the provisions of this Order as to the application of revenue) any amount which they think fit in any year and shall deposit any such amount in some joint stock bank of issue in Scotland to be increased by accumulation in the way of compound interest or otherwise until required for any of the aforesaid purposes.

Contingency fund.

42. The revenue received (from rates or otherwise) under this Order shall be applied for the purposes and in the order following and not otherwise :—

Application of revenue.

(1) In paying the costs of and connected with the preparation and making of this Order so far as they are not otherwise provided for.

(2) In paying any feu duties or rents payable in respect of any lands or property (if any) belonging to or leased by the Commissioners in connection with the harbour and in paying the expenses properly chargeable to revenue of the maintenance repair management and regulation of the harbour and of carrying into effect any powers given by this Order (including the cost of borrowing money under this Order).

A.D. 1900.
—
Portessie.

- (3) In paying year by year the interest on money borrowed under this Order.
 (4) In making such payments (if any) as the Commissioners think fit to the Contingency Fund authorised by this Order.
 (5) In paying off borrowed money and any other debts contracted or to be contracted by the Commissioners. 5
 (6) In further improving and deepening the harbour and carrying into effect the purposes of this Order.

Annual
account to be
sent to
Board of Trade.
25 & 26 Vict.
c. 19.

43.—(1) The Commissioners within one month after sending to the sberiff clerk the copy of their annual account in abstract shall send a copy of it to the Board of Trade and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account. 10

(2) The account shall be made up to the twenty-fifth day of March in each year.

(3) If the Commissioners refuse or neglect to comply with this section they shall for each refusal or neglect be liable to a penalty not exceeding twenty pounds. 15

Life-Saving Apparatus.

Provision of
accommodation
for lifeboat &c.
if required.

44.—(1.) Sections 16 to 19 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order. 20

(2.) The Commissioners shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near the harbour and build on that site a house and other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(3.) If the Commissioners fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues. 25

Life-saving
apparatus may
be attached to
pier.

45. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the harbour works spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the harbour works. 30

Lights.

As to lights
during the
construction of
works.

46.—(1.) Before commencing the harbour works the Commissioners shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards given as to the like matters by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to those matters during the construction of the works. 35 40

(2.) The Commissioners shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such directions. 45

- 47.—(1.) After completion or permanent discontinuance or abandonment of the harbour works the Commissioners shall exhibit at the outer extremity of the works or the completed portion thereof or in such other place as may be required for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and take such other steps for the prevention of danger to navigation as are directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for such directions.
- (2.) The Commissioners shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such direction.
- 48.—(1.) In case of injury to or destruction or decay of the harbour works or any part thereof the Commissioners shall lay down such buoys exhibit such lights or take such other means for preventing as far as may be danger to navigation as are directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for such directions.
- (2.) The Commissioners shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such direction.
- Miscellaneous.*
49. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847 and for all the purposes of that Act this Order shall be deemed the special Act.
50. Sections 28 and 99 of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Order shall apply to and for the benefit of any Government department in the same manner as they apply to and for the benefit of the Government departments specially named in those sections.
51. This Order shall not be taken as a consent to the surrender of any rights interests powers authorities or privileges transferred to the management of the Board of Trade by the Crown Lands Act 1866 nor shall any works under this Order be commenced within limits affected by any such rights interests powers authorities or privileges without the consent of the Board of Trade.
52. Nothing contained in this Order or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights or authorities mentioned in or reserved by Sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exercisable on behalf of Her Majesty.
53. All costs charges and expenses of or incident to the preparing and obtaining of this Order and otherwise incurred in reference thereto shall be paid by the Commissioners.
- 54.—(1.) This Order may be cited as "The Portessie Harbour Order 1900."
- (2.) This Order shall come into force upon the day when the Act confirming this Order is passed and that day is in this Order referred to as the commencement of this Order.

A.D. 1900.

Portessie.

As to lights
on works.As to buoys
and lights in
case of decay
of works.Recovery of
penalties.
10 & 11 Vict.
c. 27.Extension of
10 & 11 Vict.
c. 27 (ss. 28 99)
as to exemp-
tion of Govern-
ment officers
&c.Saving rights
under Crown
Lands Act
1866.Saving rights
of Crown
under Crown
Lands Act
29 & 30 Vict.
c. 62.

Costs of Order.

Short title and
commence-
ment.

A.D. 1900.

The SCHEDULE to which the foregoing Order refers.

Portessie.

I.—RATES ON VESSELS EXCLUSIVE OF THEIR CARGOES.

	£	s.	d.	
1. Vessels loading or discharging at the harbour - per register ton	0	0	4	
2. Pleasure yachts not carrying goods or passengers for hire				5
per register ton	0	0	3	
3. Vessels entering the harbour for safety or wind-bound and which shall not load or unload any goods or cargo per register ton	0	0	2	
[Vessels remaining in the harbour beyond one month shall be liable in repetition of above rates for every month or part of a month they may remain beyond the first month.]				10

II.—RATES ON BOATS AND OTHER FISHING VESSELS.

1. Boats or vessels employed at the herring fishery at the harbour for the herring fishing season payable on or before the 26th July :—				15
If under thirty tons register - - - each	1	0	0	
If thirty tons register or above - - - „	1	5	0	
2. Boats or vessels prosecuting the white or other fishing other than the herring fishing at the harbour :—				20
If manned by six hands or more :—				
From the 1st October to 1st January - - - each	0	10	0	
„ 1st January to 1st April - - - „	0	10	0	
„ 1st April to 1st July - - - „	0	10	0	
If manned by less than six hands for each of those periods				25
each	0	5	0	
3. Boats or vessels not employed at the regular fishings at the harbour as above but which shall load or discharge herrings or other fish on entering the harbour each time - each	0	2	0	
4. Boats or fishing vessels loading or discharging any other cargo than fish on entering the harbour each time :—				30
If under thirty tons register - - - each	0	3	0	
If thirty tons register or above same as other trading vessels.				
5. Boats and fishing vessels coming into the harbour for safety or wind-bound but which shall not load or unload any fish or other cargo each time :—				35
If under thirty tons register - - - each	0	1	0	
If thirty tons or above and under fifty tons - - - „	0	2	6	
If fifty tons or above same as trading vessels.				
6. Boats and fishing vessels fitting out for or returning from other fishing stations not paying dues as above including dues on furniture - - - - each	0	2	6	40

III.—RATES ON GOODS SHIPPED TRANSHIPPED OR UNSHIPPED ON THE
HARBOUR WORKS.

A.D. 1900.

Portessie.

Articles of Export or Import.				Weight or Measure.	Rates.
					<i>s. d.</i>
5	Ale and beer	-	-	per 3 gallons	0 0 $\frac{1}{2}$
	" " (bottled)	-	-	per gross	1 0
	Alum	-	-	per cwt.	0 1 $\frac{3}{4}$
	Anchors	-	-	per ton	5 0
	Ashes	-	-	per ton	2 0
10	Asphalte and bitumen	-	-	per ton	1 3
	Aerated water (all kinds)	-	-	per ton	1 8
	Bacon or hams	-	-	per ton	3 4
	Ballast	-	-	per ton	0 2
	Barilla	-	-	per ton	3 0
15	Bark oak	-	-	per ton	2 6
	Barley and all other groats	-	-	per ton	2 0
	Barrels (empty herring)	-	-	each	0 1
	Baskets under 12 inches diameter	-	-	per dozen	0 6
	" above " "	-	-	per dozen	1 0
20	Basket rods	-	-	per cwt.	0 2
	Beef or pork (fresh or salt)	-	-	per ton	3 6
	Beer (black or spruce)	-	-	per 3 gallons	0 2
	Billiard table	-	-	per cwt.	0 2
	Biscuits	-	-	per ton	3 0
25	Blacking	-	-	per cwt.	0 6
	Bleaching salts	-	-	per cwt.	0 2 $\frac{1}{4}$
	Blubber	-	-	per 252 gallons	3 0
	Bones (crushed or uncrushed)	-	-	per ton	1 6
	Books and stationery	-	-	per cwt.	0 4
30	Bottles	-	-	per gross	0 4
	" (broken)	-	-	per ton	0 6
	Boxwood	-	-	per cwt.	0 1 $\frac{3}{4}$
	Bran	-	-	per ton	1 0
	Brass	-	-	per ton	2 0
35	Bricks	-	-	per 1,000	0 10
	Brimstone	-	-	per ton	2 0
	Bristles	-	-	per cwt.	0 9
	Brooms (common)	-	-	per dozen	0 2
	Bulrushes	-	-	per cwt.	0 2
40	Butter	-	-	per cwt.	0 3
	Boxes (empty)	-	-	each	0 1
	Candles	-	-	per ton	3 6
	Canvas	-	-	per cwt.	0 2
	Carpets rugs and upholstery articles	-	-	per ton	2 6
45	Cane reeds	-	-	per cwt.	0 2
	Carboys (empty)	-	-	each	0 1
	Carriages with springs under 5 cwt.	-	-	each	3 0
	" 5 cwt. and under 7 $\frac{1}{2}$ cwt.	-	-	each	5 6
	" 7 $\frac{1}{2}$ cwt. and under 10 cwt.	-	-	each	7 6
50	" 10 cwt. and above	-	-	each	10 0
	Carrots	-	-	per ton	1 0
	Casks boxes sacks and kits (empty) except returned empties as provided for in the notes to this schedule	-	-	each	0 1

A.D. 1900.

Portessie.

Articles of Export or Import.	Weight or Measure.	Rates.
Cattle :—		s. d.
Bulls cows and oxen - - - - -	each - - -	0 6
Calves - - - - -	each - - -	0 1
Horses - - - - -	each - - -	1 0
Ponies under 12 hands - - - - -	each - - -	0 6
Asses or mules - - - - -	each - - -	1 0
Pigs - - - - -	each - - -	0 3
Sheep and lambs - - - - -	each - - -	0 3
Small cattle and ponies from Orkney and Shetland - - - - -	each - - -	0 8
Cement - - - - -	per ton - - -	1 6
Chalk - - - - -	per ton - - -	1 6
Cheese - - - - -	per ton - - -	2 6
Chimney tops - - - - -	each - - -	0 1
Chocolate - - - - -	per cwt. - - -	0 3
Cider - - - - -	per 3 gallons - - -	0 0½
Cinders and charcoal - - - - -	per ton - - -	0 9
Clay viz. china or stone - - - - -	per ton - - -	1 0
Clay pipes - - - - -	per ton - - -	1 0
Clocks - - - - -	each - - -	1 0
Clothing haberdashery silk mercery &c. not otherwise enumerated - - - - -	per ton - - -	3 0
Coals - - - - -	per ton - - -	0 6
Cocoa - - - - -	per cwt. - - -	0 3
Cocoa nuts - - - - -	per 100 - - -	0 4
Coffee - - - - -	per cwt. - - -	0 3
Coke - - - - -	per ton - - -	0 10
Confections of all kinds - - - - -	per cwt. - - -	0 2
Copper - - - - -	per ton - - -	3 0
„ (old) - - - - -	per ton - - -	2 0
„ ore - - - - -	per ton - - -	0 1
Copperas - - - - -	per cwt. - - -	0 1½
Colours - - - - -	per cwt. - - -	0 1¼
Cordage - - - - -	per ton - - -	2 6
„ old not in use - - - - -	per ton - - -	1 0
Cork wood and corks - - - - -	per ton - - -	3 4
Corn and meal viz. :—		
Barley and bigg - - - - -	per ton - - -	1 4
Bere and meal - - - - -	per ton - - -	1 6
Beans - - - - -	per ton - - -	1 4
Indian corn - - - - -	per ton - - -	1 4
„ meal - - - - -	per ton - - -	1 6
Malt - - - - -	per ton - - -	2 8
Oats - - - - -	per ton - - -	1 4
Oatmeal - - - - -	per ton - - -	1 6
Peas - - - - -	per ton - - -	1 6
Rye - - - - -	per ton - - -	1 4
Wheat - - - - -	per ton - - -	1 6
Cotton wool &c. - - - - -	per ton - - -	5 0
Crystal - - - - -	per ton - - -	5 0
Cutch - - - - -	per ton - - -	3 4
Dogs - - - - -	each - - -	0 6
Drugs - - - - -	per cwt. - - -	0 4
Dung - - - - -	per ton - - -	0 4
Earthenware - - - - -	per ton - - -	2 6
Eggs - - - - -	per cwt. - - -	0 3
Emery and emery stones - - - - -	per cwt. - - -	0 3
Feathers - - - - -	per ton - - -	10 0

A.D. 1900.

Portessie.

Articles of Export or Import.		Weight or Measure.	Rates.
			s. d.
	Felt - - - - -	per ton - -	2 6
	Fish dried - - - - -	per cwt. - -	0 3
5	" pickled or salted - - - - -	per cwt. - -	0 2
	" fresh haddock cod ling and fish not enumerated - - - - -	per cwt. - -	0 2
	" large fresh cod ling and skate - - - - -	per 20 - -	0 4
	" offal - - - - -	per ton - -	0 6
10	Flax - - - - -	per cwt. - -	0 2
	Flour - - - - -	per ton - -	2 8
	Flower roots - - - - -	per cwt. - -	0 2
	Flint stones - - - - -	per ton - -	0 6
	Fruit viz. :—		
15	Apples pears and berries - - - - -	per cwt. - -	0 2
	Plums cherries and grapes - - - - -	per cwt. - -	0 4
	Melons - - - - -	per cwt. - -	0 2
	Peaches - - - - -	per 100 - -	0 2
	All not enumerated - - - - -	per 10% value - -	0 10
20	Furniture household - - - - -	per 10% value - -	1 0
	Furriers' waste - - - - -	per ton - -	0 4
	Game - - - - -	per head - -	0 1
	Ginger - - - - -	per cwt. - -	0 3
	" preserved - - - - -	per cwt. - -	0 6
25	Glass of all descriptions - - - - -	per cwt. - -	0 2
	Glue - - - - -	per cwt. - -	0 4
	Grates stoves &c. - - - - -	per ton - -	3 6
	Grease - - - - -	per ton - -	2 6
	Groceries all kinds not enumerated - - - - -	per cwt. - -	0 3
30	Gunpowder - - - - -	per cwt. - -	0 2
	Guano - - - - -	per ton - -	1 6
	Hair all kinds { baken - - - - -	per cwt. - -	0 4½
	{ plasterers' - - - - -	per ton - -	2 0
	Hardware - - - - -	per cwt. - -	0 2
35	Hats - - - - -	per dozen - -	0 6
	Hay - - - - -	per ton - -	1 6
	Hemp - - - - -	per ton - -	3 6
	Herrings fresh imported or exported - - - - -	per 37½ gallons - -	0 4
	" cured " " - - - - -	per 26½ gallons - -	0 2
40	Hides raw - - - - -	per cwt. - -	0 2
	Honey - - - - -	per cwt. - -	0 3
	Hoops of wood - - - - -	per 1000 - -	0 10
	Hops - - - - -	per cwt. - -	0 6
	Horns slugs and tips - - - - -	per 1000 - -	1 8
45	Husbandry implements - - - - -	per ton - -	1 4
	Iron viz. :—		
	Bar plate bolt and rod - - - - -	per ton - -	2 0
	Forged made work and hoops - - - - -	per ton - -	3 4
	Old - - - - -	per ton - -	1 3
50	Old and broken goods - - - - -	per ton - -	0 6
	Cast-iron goods - - - - -	per ton - -	2 6
	Wire - - - - -	per cwt. - -	0 2
	Pig - - - - -	per ton - -	1 0
	Kelp - - - - -	per ton - -	1 0
55	Kiln pavement - - - - -	per 30 feet - -	0 4
	Lard - - - - -	per ton - -	2 0
	Lead - - - - -	per ton - -	2 0
	" black - - - - -	per ton - -	2 0
	" ore - - - - -	per ton - -	2 0

[225.]

F

A.D. 1900.

Portessie.

Articles of Export or Import.	Weight or Measure.	Rates.
		<i>s. d.</i>
Lead red and white	per ton	2 0
„ shot	per ton	3 0
„ sugar of	per cwt.	0 2
Leather tanned and dressed	per cwt.	0 3
Lemons	per cwt.	0 4
Lignum vitæ	per ton	3 0
Lime	per ton	0 6
Loam	per ton	0 4
Machinery	per ton	0 2
Manures manufactured and not otherwise enumerated	per ton	1 6
Mats and basses	per dozen	0 1
Mill waste	per ton	2 0
Molasses	per ton	2 0
Mussels	per ton	0 6
Nuts all kinds (except cocoa)	per cwt.	0 3
Oakum	per ton	3 0
Ochre	per cwt.	0 1½
Oil of all kinds	per ton	3 4
„ cakes	per ton	2 0
Onions	per cwt.	0 3
Oranges	per cwt.	0 2
Oysters	per cwt.	0 3
Peats	per ton	0 3
Paper	per cwt.	0 2
Pewter	per ton	2 0
„ (old)	per ton	1 8
Pianoforte	per 10l. value	1 0
Pictures under 2 feet square	each	0 6
„ 2 feet and under 4 feet	each	1 0
„ 4 feet and upwards	each	2 0
Pigs' head	per cwt.	0 0½
Pipes drain under 3 inches diameter	per 1000	0 6
„ above	per 1000	0 9
„ collars	per 1000	0 3
„ spigot and faucet clay glazed	per ton	1 0
NOTE.—Drain tiles and mugs one-third less.		
Pipes tobacco	per cwt.	0 4
Pitch	per cwt.	0 2
Plaster of Paris	per ton	2 8
Plants nursery and garden all kinds	per cwt.	0 4
Porter	per 3 gallons	0 0½
„ (bottled)	per gross	1 0
Potatoes	per ton	1 0
Poultry all kinds	each	0 1
Provisions preserved all kinds	per cwt.	0 2
Pumice stone	per cwt.	0 3
Rags	per ton	2 0
Rice	per cwt.	0 2
Rosin	per ton	2 6
Saddlery all kinds	per cwt.	0 3
Salt in bulk	per ton	1 0
„ rock	per ton	0 9
„ saltpetre and Glauber salt	per ton	3 4
„ in barrel including dues of barrel	per ton	1 4
Salmon	per cwt.	0 6

A.D. 1900.

Portessie.

Articles of Export or Import.				Weight or Measure.	Rates.
					s. d.
Seed viz. :—					
5	Rape and flax -	-	-	per cwt. -	0 1
	Clover -	-	-	per cwt. -	0 3
	Ryegrass -	-	-	per ton -	3 4
	Shoes of all kinds -	-	-	per ton -	3 0
	Sheep skins with wool -	-	-	per cwt. -	0 3
	" pelts -	-	-	per cwt. -	0 2
10	Slates large -	-	-	per 1000 -	1 4
	" sizeable -	-	-	per 1000 -	0 10
	" small -	-	-	per 1000 -	0 6
	Snuff -	-	-	per cwt. -	0 6
15	Soap -	-	-	per ton -	2 0
	Soda -	-	-	per ton -	1 6
	Spades or shovels -	-	-	per dozen -	0 1
	Spirits of all kinds -	-	-	per gallon -	0 0½
	Starch -	-	-	per cwt. -	0 3
20	Steel -	-	-	per ton -	3 0
	Straw -	-	-	per ton -	1 0
Stones viz. :—					
	Freestone building -	-	-	per ton -	0 5
	Polished granite -	-	-	per ton -	2 6
25	Causeway granite -	-	-	per ton -	0 3
	Kerb pavement and building -	-	-	per ton -	0 5
	Rubble and chips -	-	-	per ton -	0 2
	Rigging stones -	-	-	per 100 running feet -	1 6
	Flagstones -	-	-	per ton -	0 9
30	Gravestones -	-	-	each -	3 0
	Marble -	-	-	per ton -	3 0
	Scythe stones -	-	-	per cwt. -	0 2
	Grindstones -	-	-	each -	0 4
	Millstones -	-	-	each -	0 6
	All other descriptions except flint -	-	-	per ton -	1 0
35	Stucco -	-	-	per ton -	1 8
	Sugar all kinds -	-	-	per ton -	1 8
	Stoneware all kinds -	-	-	per cwt. -	0 2
	Tallow -	-	-	per ton -	2 0
	Tanners' waste -	-	-	per ton -	1 0
40	Tar coal -	-	-	per 39 gallons -	0 1
	" Archangel -	-	-	per 26½ gallons -	0 2
	Tea -	-	-	per cwt. -	0 6
	Tiles roofing -	-	-	per 1000 -	1 0
	Tin of all kinds -	-	-	per ton -	2 0
45	" plates -	-	-	per ton -	2 0
	Tobacco in leaf -	-	-	per cwt. -	0 2½
	" manufactured -	-	-	per 100 lb. -	0 4½
	" stalks -	-	-	per cwt. -	0 3
	Tongues smoked -	-	-	per dozen -	0 1½
50	" pickled -	-	-	per cwt. -	0 4
	Toys -	-	-	per cwt. -	0 3
	Tree nails -	-	-	per 1000 -	1 6
	Turnery -	-	-	per 10l. value -	0 10
	Turnips -	-	-	per ton -	0 6
55	Twine -	-	-	per cwt. -	0 3
	Tow all kinds -	-	-	per ton -	1 6
	Vases or sculptured marble -	-	-	per cwt. -	0 3
	Vinegar -	-	-	per 3 gallons -	0 0½
	Vitriol -	-	-	per gallon -	0 0½

[225.]

F 2

A.D. 1900.

Portessie.

Articles of Import and Export.	Weight or Measure.	Rates.	
		<i>s.</i>	<i>d.</i>
Varnish - - - - -	per cwt. - - -	0	2
Veneers all kinds - - - - -	per cwt. - - -	0	4
Vegetables - - - - -	per ton - - -	0	6
Whalebone or whale fins - - - - -	per ton - - -	3	4
Wheels coach carriage or cart - - - - -	per pair - - -	0	9
Whitening - - - - -	per ton - - -	0	10
Willow reeds - - - - -	per cwt. - - -	0	2
Wine - - - - -	per gallon - - -	0	0 $\frac{1}{4}$
„ bottled - - - - -	per gross - - -	1	0
Wood viz. :—			
Herring barrel billets - - - - -	per ton - - -	1	0
Herring barrel staves - - - - -	per 1000 superficial feet. - - -	1	4
All other kinds not enumerated - - - - -	per 1 $\frac{1}{2}$ value - - -	0	4
Wool - - - - -	per ton - - -	3	4
Yarn, viz. :—			
Lint and cotton - - - - -	per ton - - -	4	6
Hemp - - - - -	per ton - - -	3	6
Worsted - - - - -	per ton - - -	4	6
Zinc - - - - -	per ton - - -	2	0

All goods or articles not enumerated in the foregoing schedule per cwt. 2d.

Notes with reference to the foregoing Schedule.

1. All empty boxes barrels sacks and packages returned to original shipper 25
within three months from the date of import are exempted from rates.

2. All goods landed from any vessel and reshipped in the same or another
vessel in the original packages and without being transferred from the lander or
if the said goods have been put into other packages from the original packages
having been destroyed or damaged shall only pay rates on landing and may be 30
reshipped in the same or another vessel upon her departure outwards without
paying rates again.

3. The personal luggage of each passenger landing from any vessel within
the harbour not exceeding two hundredweight in weight shall be exempted from
rates. 35

4. If any goods for which rates shall have been paid when loaded shall from
any accident or otherwise be unloaded no rates shall be charged a second time
for such goods on being reloaded.

5. Goods of all descriptions rated by weight shall be charged according to
gross weight fractional parts of any weight measure number or value shall be 40
charged proportionally and the minimum charge for a single package shall be
one penny.

IV.—RATES FOR THE USE OF SHEDS CRANES WEIGHING MACHINES
WARPS &c.

A.D. 1900.

Portessie.(1.) *Sheds.*

For each ton of goods which shall remain in any shed or on any quay or pier
5 for a longer time than twenty-four hours the sum of threepence and the sum of three halfpence per ton for each day during which such goods shall remain after the first twenty-four hours.

(2.) *Cranes.*

			s.	d.
10	All goods or packages not exceeding one ton	- - -	0	3
	Exceeding one ton and not exceeding two tons	- - -	0	4
	Exceeding two tons and not exceeding three tons	- - -	0	6
	Exceeding three tons and not exceeding four tons	- - -	0	8
	Exceeding four tons and not exceeding five tons	- - -	0	10
15	Exceeding five tons and not exceeding six tons	- - -	1	0
	Exceeding six tons and not exceeding seven tons	- - -	1	2
	Exceeding seven tons and not exceeding eight tons	- - -	1	4
	Exceeding eight tons and not exceeding nine tons	- - -	1	8
	Exceeding nine tons and not exceeding ten tons	- - -	2	0
20	Exceeding ten tons	- - -	3	0

(3.) *Weighing Machines.*

For potatoes salt and coals	- - -	each ton or part of a ton	0	4
Goods in quantities of twenty tons and upwards	- - -	of same cargo per ton	0	3
Other goods	- - -	per ton or part of a ton	0	6

25 (4.) *Warps or Planks.*

Harbour warps all vessels	- - -	per register ton	0	0½
Harbour planks long	- - -	per pair	3	0
Harbour planks short	- - -	per pair	1	0

30 The long planks to be paid for by vessel and short planks by merchant.

(5.) *Water Money.*

Water	- - -	per 25 gallons	0	1½
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(6.) *Harbour Lights.*

For every fishing boat under thirty tons payable in advance per season	2	6
35 For every fishing boat 30 tons or above payable in advance per season	5	0
For all other boats	0	6

A.D. 1900.

Portessie.

For every ship under one hundred tons register	-	-	each	s. d.	
For every ship one hundred tons register or above	-	-	each	2	0
But rates for lights shall only be demanded and received so long as a light or lights are duly exhibited during the proper hours.					5

(7.) *Beaching Ground.*

For every boat beached or laid up on ground provided for the purpose
by the Commissioners payable in advance per season - each 10 0

Pier and Harbour, Provisional Orders (No. 1)

A

B I L L

TO

Confirm certain Provisional Orders made by
the Board of Trade under the General
Pier and Harbour Act 1861 relating to
Eastbourne Ilfracombe Lowestoft and
Portsmouth.

*(Prepared and brought in by
Mr. Ritchie and Mr. Hanbury.)*

*Ordered, by The House of Commons, to be Printed,
21 May 1900.*

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[Price 5d.]

[Bill 225.]

A

B I L L

TO

Confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Ayr Bridlington Felixstowe and Penryn. A.D. 1900.

WHEREAS a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict. c. 45.

5 And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act and set out in the schedule to this Act be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and
10 Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The several Orders as set out in the schedule to this Act shall be and the same are hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule
15 shall from and after the passing of this Act have full validity and force. Confirmation of Orders in schedule.

2. The undertakers mentioned in the said Orders shall not under the powers of this Act or of the said Orders purchase or acquire in any city borough or other urban district or in any parish or part
20 of a parish not being within an urban district in England or in any district in Scotland within the meaning of the Public Health (Scotland) Act 1897 as the case may be ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons
25 belonging to the labouring class as tenants or lodgers If any Special provisions as to houses of labouring class. 60 & 61 Vict. c. 38.

[Bill 242.]

A

A.D. 1900. undertakers acquire or appropriate any house or houses under the powers of this Act or of the said Orders in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court or by the Secretary for Scotland by action in the Court of Session as the case may be and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty. 5

For the purposes of this section the expression "labouring class" includes mechanics artificers labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them. 15

The expression "house" means any tenement separately occupied by any person or persons.

Short title. 3. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 2) Act 1900. 20

THE SCHEDULE OF ORDERS.

1. AYR.—Construction of pier.
2. BRIDLINGTON.—Construction of pier.
3. FELIXSTOWE.—Construction of pier.
4. PENRYN.—Improvement of harbour.

25

SCHEDULE.

A.D. 1900.

AYR PROMENADE PIER.

Ayr.

*Provisional Order for the construction and maintenance of a pier
and works at Ayr in the county of Ayr.*

- 5 1.—(1.) This Order may be cited as the Ayr Promenade Pier Order 1900. Short title
commence-
ment and
interpretation.
 (2.) This Order shall come into force upon the day when the Act confirming
 this Order is passed and that day is in this Order referred to as the commencement
 of this Order.
 (3.) In this Order unless the context otherwise requires—
 10 The expression “the Company” means the Ayr Promenade Pier and
 Pavilion Company Limited; and
 The expression “the council” means the magistrates and council of the
 Royal Burgh of Ayr.

The Undertakers.

- 15 2. The Ayr Promenade Pier and Pavilion Company Limited shall be the Undertakers.
 undertakers for carrying this Order into execution.

Acquisition of Lands.

3. The Lands Clauses Acts (except so much thereof as relates to the purchase Incorporation
of Lands
Clauses Acts.
 and taking of lands otherwise than by agreement and to the entry upon lands by
 20 the promoters of the undertaking) shall be incorporated with this Order.

- 4.—(1.) For the purposes of the works authorised by this Order the Company Power to
take lands by
agreement and
lands for
extraordinary
purposes.
 may by agreement enter upon and take for a freehold feuhold leasehold or other
 interest and use such of the lands shown on the plan deposited for the purposes
 of this Order as they may think requisite for the purpose of those works or
 25 any right over or affecting those lands.

(2.) The Company may purchase and hold for extraordinary purposes any
 lands not exceeding in the whole one acre.

- (3.) This section or anything contained therein shall not exempt the Company
 from any proceedings for nuisance caused or permitted by them on lands taken
 30 by them under the powers conferred by this Order.

5. Persons empowered by the Lands Clauses Acts to sell and convey or Owners may
grant servi-
tudes.
 release lands may if they think fit subject to the provisions of those Acts and
 of this Order grant to the Company any servitude right or privilege (not
 being a servitude right or privilege of water in which other than parties to
 35 the agreement have an interest) required for the purpose of this Order in over
 or affecting any such lands and the provisions of the said Acts with respect
 to lands feu-duties or grounds annuals so far as the same are applicable in this
 behalf shall extend and apply to such grants and to such servitudes rights and
 privileges as aforesaid respectively.

40 *Limits and Works.*

6. The limits within which the Company shall have authority and within Limits.
 which the powers of the piermaster may be exercised and which shall be deemed

[242.]

A 2

A.D. 1900. <u>Ayr.</u>	the limits to which this Order extends shall comprise the pier and works authorised by this Order and an area below low-water mark lying within four hundred feet on either side or in front of the pier.	
Power to construct works.	<p>7. When the Company have obtained in manner provided by this Order the approval of the council to the plans sections and elevations of their proposed works they may subject to the provisions of this Order and subject also to such alterations (if any) in the plan and sections deposited with reference to this Order as the Board of Trade require before the completion of the works in order to prevent injury to navigation on the lands and in the lines and situation and according to the levels on the deposited plan and section (so far as the same are shown thereon) and within the limits of deviation shown on the plan make and maintain the works authorised by this Order with all necessary works accesses and conveniences connected therewith.</p>	5 10
Description of works.	<p>8. The works authorised by this Order comprise :—</p> <p>A promenade pier (in this Order referred to as "the pier ") on the eastern shore of the Firth of Clyde fronting the promenade in the parish and burgh of Ayr commencing at a point one hundred and fifty yards or thereabouts from the junction of Charlotte Street with the promenade and extending thence into the Firth of Clyde for a distance of two hundred and fifty yards or thereabouts in a westerly direction and there terminating with a crosshead.</p> <p>The pier will be solid for a distance of fifteen feet or thereabouts from its commencement and will be constructed as an open work for the rest of its length.</p> <p>The works will be situate in the parish of Ayr in the county of Ayr or on the foreshore or bed of the Firth of Clyde ex adverso thereof.</p>	15 20 25
Powers of deviation.	<p>9.—(1.) The Company in constructing the works may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation shown on the deposited plan and vertically to any extent approved by the Board of Trade.</p> <p>(2.) Before giving their consent to any deviation under this section the Board of Trade shall give the council an opportunity of making representations with regard to the matter.</p>	30
Penalty for obstructing works.	<p>10. If any person wilfully obstructs any person acting under the authority of the Company in setting out the lines of the works authorised by this Order or pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works or defaces or destroys those works or any part thereof that person shall for each offence be liable to a penalty not exceeding five pounds.</p>	35
Approval by council of plans of pier.	<p>11.—(1.) The plans elevations and sections shown in the working drawings of the works authorised by this Order submitted to the Board of Trade must be approved by the council and for that purpose the Company shall submit these plans elevations and sections to the council but this provision shall not prevent the Board of Trade altering any plans elevations and sections so approved when submitted to them if they think fit.</p> <p>(2) The Company shall construct the works authorised by this Order in accordance with the plans elevations and sections so approved subject to any</p>	40 45

alterations made by the Board of Trade and shall not alter those works otherwise than in accordance with plans elevations and sections so approved and if the Company act in contravention of this provision with regard to any work the council may remove the work and restore the site of it to its former condition and

5 may recover the expense incurred by them in doing so from the Company.

(3.) The approval of the council under this section shall not be unreasonably withheld and if any question arises whether the approval is unreasonably withheld that question shall be referred to and determined by a single arbitrator appointed by the Board of Trade.

10 12.—(1.) If within two years from the commencement of this Order the works authorised by this Order are not substantially commenced the power given by this Order for executing those works or otherwise in relation thereto shall cease unless the time for commencement is extended by the special direction of the Board of Trade.

A.D. 1900.

Ayr.Powers to
cease in certain
events.

15 (2.) If the works authorised by this Order after having been substantially commenced are virtually suspended for twelve consecutive months the powers given by this Order for executing those works or otherwise in relation thereto shall cease except as to so much of those works as are then completed unless those powers are by the special direction of the Board of
20 Trade continued and directed to remain in force for any period not exceeding five years from the commencement of this Order.

(3.) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the
25 purposes of this Order be conclusive evidence of the fact stated in that certificate.

(4.) Before giving any special direction under this section the Board of Trade shall give the council an opportunity of making representations with regard to the matter.

30 13. The Company may in connection with the works authorised by this Order construct and provide all proper jetties landing stages landing places mooring buoys beacon lights lamps lamp-posts sheds turnstiles gates sewers drains and other similar works and conveniences.

Power to
provide landing
stages &c.

35 14. The Company may construct upon the pier pavilions suitable for theatrical performances or assembly rooms concert rooms aquaria shops saloons and bazaars kiosks and reading refreshment and other rooms and swimming and other baths lavatories and other conveniences and may make such reasonable charges for the use thereof or for admission thereto as they think fit and they may furnish stock and equip them.

Power to erect
pavilions &c.

40 15. Works authorised by this Order below high-water mark shall not be commenced without the consent in writing of the Board of Trade and shall be executed only in manner approved by the Board of Trade.

Consent of
Board of Trade
to works below
high-water
mark.

Supplemental Provisions as to Management.

45 16.—(1.) The Company shall both during the construction of the works authorised by this Order and afterwards comply with such reasonable requirements as may be made by the council for the purposes of securing so far as may be the

Company to
comply with
certain require-
ments of Ayr
Town Council.

A.D. 1900. uninterrupted use by the public of the promenade of Ayr and the approaches thereto and of any part of the area within the limits to which the provisions of this Order extend (other than the actual pier and works authorised to be made by this Order) whether for the purpose of promenading bathing boating recreating or otherwise. 5

Ayr.

(2.) If any question arises whether any requirement of the council is reasonable or can properly be made under this section that question shall be referred to and determined by a single arbiter mutually agreed upon or in default of agreement appointed by the Board of Trade.

(3.) The provisions of this section shall be in addition to and not in derogation of any agreement made between the Company or any person on behalf of the Company and the council before the commencement of this Order. 10

Restrictions on use of pier.

17. The Company shall not permit the pier to be used for the accommodation of any vessels other than small yachts and rowing boats and shall not ship or unship or permit to be shipped or unshipped at the pier or within the limits to which this Order extends any sheep cattle or goods except the personal luggage of passengers embarking on or landing from small yachts or rowing boats. 15

Vessels not to be moored alongside pier without consent.
Byelaws.

18. A vessel or boat shall not be moored or anchor alongside the pier or within the limits to which this Order extends without the consent of the Company or their piermaster. 20

19.—(1.) The Company may make byelaws for all or any of the following matters (that is to say) :—

For regulating collecting and levying of the rates and charges authorised by this Order ;

For regulating the vessels and boats and the landing or embarking of luggage within the limits to which this Order extends ; 25

For regulating the conditions of the user of any portion of the pier or any of the buildings erected thereon ;

For preventing injury to and protecting buildings and property thereon or attached thereto ;

For regulating the conduct of persons frequenting the pier and buildings and preserving order thereon and therein ; and 30

For regulating the sale of refreshments on the pier and in the buildings.

(2.) The byelaws may provide for imposing a penalty not exceeding forty shillings in the event of the breach or non-observance of any of the byelaws. 35

(3.) A byelaw under this section shall not come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance or confirmation shall be sufficient for all purposes.

(4.) For the purpose of giving the council an opportunity of making representations to the Board of Trade with respect to any proposed byelaw the Company shall send a copy of any such proposed byelaw to the council before it is submitted to the Board of Trade. 40

Rates.

Power to levy rates.

20. When in addition to, the certificate to be granted under the twenty-sixth section of the Harbours Docks and Piers Clauses Act 1847 a certificate has been 45

obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given the Company may subject and according to the provisions of this Order demand
5 receive and recover for the use of the pier and in respect of the persons and things described in the schedule to this Order any sums not exceeding the rates specified in that schedule.

A.D. 1900.

Ayr.

21.—(1.) The Company may on any occasions which they deem special but not exceeding twelve days in any one year or for more than three days con-
10 secutively close the pier against the public and may if they think fit on those occasions admit any persons to the pier on payment of such special rates of admission not exceeding one shilling for each person as the Company may think fit.

Power to close pier on special occasions.

15 (2.) The Company shall on any such occasion reserve a sufficient passage along the pier for any persons landing or embarking at the pier and that reserved passage shall be open for use by those persons at the ordinary charge and without payment of any special rates so long only as they use the pier as a passage and do not remain upon it.

20 22. The Company may confer vary or extinguish exemptions from and enter into compositions with any persons with respect to the payment of any rates and charges authorised by this Order and may confer vary or extinguish by agreement all other rights and privileges but so that no preference be in any case given to any person and that anything done under this section shall not prejudice the other provisions of this Order.

Power to vary exemptions from rates and to enter into compositions &c.

25 23.—(1.) The Company may grant to passengers and promenaders and others for the use of the pier either exclusive or not of any building or room for the time being thereon pass tickets or family tickets at such rates on such terms and for such periods not exceeding one year as may be agreed upon or may issue
30 books containing any number of tickets at a reduced rate but so that no preference be given to any person.

Pass tickets for use of pier.

(2.) A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted and a family ticket shall not be used to admit to the pier any person not being one of the family in respect of
35 which it is granted and any such pass ticket or family ticket shall not be used by any person after the period limited for its use.

(3.) If any person acts in any way in contravention of the provisions of this section or uses or attempts to use any false or counterfeit ticket he shall for each offence be liable to a penalty not exceeding twenty shillings.

40 24.—(1.) The Company may with the consent of the Council lease for any term not exceeding seven years the rates and other charges authorised to be taken by this Order or may with the like consent let for hire or lease for any term not exceeding seven years any pavilions rooms shops bazaars baths or buildings thereon separately from any other part of the works authorised by this Order to any person upon such terms (pecuniary or otherwise) and under such restrictions
45 and conditions as they think fit.

Power to lease rates.

(2.) Where the rates or other charges are leased under this section the lessee (during the continuance of and to the extent of his lease) shall have and may exercise all or any of the powers conferred upon the Company by this Order

A.D. 1900.

Ayr.

Certain fishing
vessels under
stress of
weather
exempt from
rates.

Lifeboat crews
exempt from
rates.

Board of Trade
may reduce
rates.

(including powers of levying or recovering rates and other charges) which the Company have or might exercise under the Harbours Docks and Piers Clauses Act 1847 or this Order and shall be subject to all provisions as to accounts and otherwise to which the Company are subject under this Order.

25. Fishing vessels belonging to the countries with which for the time being treaties exist exempting from dues and charges those vessels when forced by stress of weather to seek shelter within the ports or on the coasts of the United Kingdom shall when forced by stress of weather to make use of the works authorised by this Order and not breaking bulk when making use thereof be exempt from rates leviable under this Order.

26. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and also persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to or along and on and from the pier without payment.

27. If at any time the clear annual income derived from the works authorised by this Order on the average of the then three last preceding years after payment of all expenses and outgoings other than payments for interest or principal in respect of money borrowed exceeds interest at the rate of ten per centum per annum on the entire sum appearing to the Board of Trade to have been expended by the Company in executing those works the Board may in their discretion if they think fit reduce the rates leviable under this Order or any of them to such amount as will be sufficient to provide the last-mentioned interest at the rate of ten per centum per annum and the rates thereupon shall be reduced accordingly and with power to the Board of Trade at any time to raise them again to sums not exceeding the amounts specified in the schedule to this Order.

Finance.

Power to
borrow money.

28. The Company may borrow and reborrow on mortgage at interest on the security of the rates charges and other revenues leviable or to be received under this Order such money as may be required for the purposes of this Order not exceeding in the whole one-third of the amount of the capital of the Company expended for the purposes of this Order.

Application
of money
borrowed.

29. Every part of the money borrowed under this Order shall be applied only for the purposes authorised by this Order to which the capital is properly applicable and not otherwise.

Payment of
arrears of
interest and
principal may
be enforced by
appointment of
a judicial
factor.

30. If within two months after the interest on any mortgage granted by the Company has become due or after the period prescribed for the payment of the principal sum on any such mortgage has expired that interest or principal as the case may be is not paid the holder of the mortgage may without prejudice to any other rights remedies or securities apply for the appointment of a judicial factor under this Order.

Appointment
of judicial
factor.

31.—(1.) An application for the appointment of a judicial factor under this Order shall be made to the Sheriff and on any such application the Sheriff may by order appoint some person as a judicial factor to receive the whole or a sufficient

part of the rates authorised by this Order until all the arrears of interest or of principle or of principle and interest as the case may be then due on the outstanding mortgage with all costs including the charges of receiving the rates are fully paid and on that appointment being made the rates shall be paid to and
5 received by the judicial factor.

A.D. 1900.

Ayr.

(2.) As soon as the full amount of interest or of principal or of principal and interest as the case may be and costs has been so received the power of the judicial factor shall cease and after payment of the costs the judicial factor shall distribute among all the holders of the mortgages to whom interest or
10 principal is in arrear the rates and other money which shall have been received by him having regard in that distribution to the priorities (if any) of those mortgages.

32. The amount to authorise the appointment of a judicial factor shall be one-tenth of the amount of money authorised to be borrowed by this Order.

Amount to
authorise
application for
judicial factor.

15 33. The rates charges or other revenue received under this Order shall be applicable for the purposes and in the order following and not otherwise (that is to say) :—

Application of
revenue.

(1) In paying the expenses of and incidental to the collection and recovery of the rates charges or other revenue received ;

20 (2) In paying year by year the expenses properly chargeable to revenue of the maintenance repair and management of the works authorised by this Order and of defraying the rent and other necessary expenses of the Company in relation thereto and of carrying into effect any powers given by this Order ;

25 (3) In paying year by year according to priority the interest on money borrowed under this Order and if so arranged in making payments towards a sinking fund for the purpose of discharging money borrowed under this Order ;

30 (4) The surplus revenue (if any) after providing for the purposes aforesaid shall belong to the Company for their own use.

35 34.—(1.) The Company within one month after sending to the sheriff clerk the copy of their annual account in abstract (which account shall be made up to the end of the day on the twenty-fifth day of March in each year) shall send a copy thereof to the Board of Trade and section sixteen of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account.

Annual
account to be
sent to
Board of Trade.

(2.) If the Company refuse or neglect to comply with this provision they shall for each refusal or neglect be liable to a penalty not exceeding ten pounds.

Life-saving Apparatus.

40 35.—(1.) Sections sixteen to nineteen of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order but the Company shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site on or near the pier and build on that site proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

Provision of
accommodation
for lifeboat &c.
if required.

45 (2.) If the Company fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues.

A.D. 1900.

Ayr.

Life-saving
apparatus may
be attached to
pier.

36. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily and without payment attach or cause to be attached to any part of the pier spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving 5
life fire rockets over the works.

Life-buoys to
be kept.

37. The Company shall at all times keep at the outer extremity of the pier sufficient lifebuoys and lifelines in good order and fit and ready for use.

Lights.

As to lights
during con-
struction of
works.

33.—(1.) Before commencing the works authorised by this Order the 10
Company shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards given as to the like matters by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in 15
place of every other statutory requirement as to lights during the construction of the works.

(2.) The Company shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe 20
any such directions.

As to lights
after com-
pletion of
works.

39.—(1.) After completion or permanent discontinuance or abandonment of the works authorised by this Order the Company shall exhibit at the outer extremity of the pier and works or the completed portions thereof or in such other places as may be required for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the 25
year such lights (if any) and take such other steps for the prevention of danger to navigation as may be directed by the Commissioners of Northern Lighthouses and the Company shall apply to those Commissioners for such directions.

(2.) The Company shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey 30
any such directions.

Provision
against danger
to navigation.

40.—(1.) In case of injury to or destruction or decay of the works authorised by this Order or any part thereof the Company shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as are directed by the Commissioners of Northern 35
Lighthouses and shall apply to those Commissioners for such directions.

(2.) The Company shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey
any such directions.

Miscellaneous.

Recovery of
penalties.

41. All penalties shall be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847 and for all the purposes of that Act this Order shall be deemed to be a special Act.

Ayr.

Extension of
10 & 11 Vict.
c. 27 (ss 28
99) to all
Government
departments.

42. Sections twenty-eight and ninety-nine of the Harbours Docks and Piers
Clauses Act 1847 as incorporated with this Order shall apply to and for the
benefit of any Government Department in the same manner as they apply to
and for the benefit of the Government Departments specially named in those
5 sections.

43.—(1) The works authorised by this Order shall in respect of all matters
crimes and offenses arising or committed thereon or within the limits of cognisance
of any magistrate be deemed and taken to be within or as forming part of the
burgh of Ayr in the county of Ayr and within the jurisdiction of any magistrate
10 acting within the said burgh.

Works to be
deemed within
the burgh of
Ayr.

(2) The works authorised by this Order shall be deemed to be within the
burgh of Ayr.

44. This Order shall not be taken as a consent to the surrender of any rights
interests powers authorities or privileges transferred to the management of the
15 Board of Trade by the Crown Lands Act 1866 nor shall any works under this
Order be commenced within the limits affected by any such rights interests
powers authorities or privileges without the assent of the Board of Trade having
been first obtained.

Saving rights
under Crown
Lands Act
1866.

45. This Order or anything herein contained shall not authorise the Company
20 to take or in any manner interfere with any lands or hereditaments or any right
of whatever description belonging to the Queen's most Excellent Majesty in
right of Her Crown and under the management of the Commissioners of Woods
without the consent in writing of the Commissioners of Woods on behalf of Her
Majesty having been first obtained (which consent such Commissioners are
25 hereby authorised to give) neither shall anything in this Order contained extend
to take away prejudice diminish or alter any of the estates rights privileges
powers or authorities vested in or enjoyed or exerciseable by the Queen's
Majesty.

Saving rights
of the Crown.

46. Nothing contained in this Order shall in any way prejudice or affect the
30 rights and privileges of the Ayr Harbour Trustees under the Ayr Harbour Acts
1855 to 1893.

Saving for
Ayr Harbour
Trustees.

47. All the costs charges and expenses of or incidental to preparing and
obtaining this Order or otherwise incurred in reference thereto shall be paid by
the Company.

Costs of Order

A.D. 1900.

The SCHEDULE referred to in the foregoing Order.

Ayr.

**I.—RATES ON VESSELS BEING ROWING BOATS OR SMALL YACHTS
NOT EXCEEDING FIFTEEN TONS BURDEN USING THE PIER.**

	<i>s.</i>	<i>d.</i>
For every such vessel per ton - - - - -	0	4 5

II.—RATES FOR USE OF PIER.

	<i>s.</i>	<i>d.</i>
For every passenger or other person landing on the pier from or embarking from it on board of boats or vessels using the pier in accordance with this Order for each time any sum not exceeding -	0	4 10
For every person using the pier for the purpose of walking for exercise pleasure or any other purpose except for embarking or disembarking for each time any sum not exceeding - - - - -	0	2
For every bath or sedan chair including driver or carriers taken on the pier for each time any sum not exceeding - - - - -	0	4 15
For every perambulator including driver taken on the pier for each time any sum not exceeding - - - - -	0	3
For every master or member of the crew of any vessel or boat using the pier in accordance with this Order for the purpose of going to or returning from his own vessel or boat an annual sum not exceeding	10	0 20
Or if the annual sum is not paid for each time - - - - -	0	1

**III.—RATES ON PASSENGERS' LUGGAGE LANDED OR SHIPPED OR
TRANSHIPPED AT THE PIER.**

	<i>s.</i>	<i>d.</i>
For every trunk portmanteau box parcel or other package within the description of luggage and not borne by the passenger—		25
Not exceeding 28 lbs. - - - - -	0	2
Over 28 lbs. and not exceeding 84 lbs. - - - - -	0	4
Over 84 lbs. and not exceeding 112 lbs. - - - - -	0	5
Over 112 lbs. and not exceeding 140 lbs. - - - - -	0	6 30
Over 140 lbs. and not exceeding 196 lbs. - - - - -	0	7
Over 196 lbs. and not exceeding 2 cwts. - - - - -	0	8
If amounting to or exceeding 2 cwt. for every cwt. - - - - -	0	4
And for every 28 lbs. weight in addition - - - - -	0	1
For every bicycle or tricycle for each and every time - - - - -	0	3 35

BRIDLINGTON PIER.

A.D. 1900.

Provisional Order for the Construction Maintenance and Regulation of a Pier and Works at Bridlington in the East Riding of the County of York.

Bridlington.

5

Preliminary.

1.—(1.) This Order may be cited as the Bridlington Pier Order 1900.

(2.) This Order shall come into force upon the day when the Act confirming this Order is passed and that day is in this Order referred to as the commencement of this Order.

Short title
commencement
and interpreta-
tion.

10 (3.) In this Order unless the context otherwise requires :—

The expression “the Company” means the Bridlington Pier and Pavilion Company ; and

The expression “the Corporation” means the mayor aldermen and burgesses of the borough of Bridlington.

15 The expression “the Bridlington Piers and Harbour Act 1837” means the Act of 1 Vict. c. cx. intituled “An Act for improving the piers and “harbour of Bridlington in the East Riding of the County of York and “for rendering the same more safe and commodious as a harbour of “refuge.”

20 The expression “the Bridlington Piers and Harbour Commissioners” means the Commissioners under the Bridlington Piers and Harbours Act 1838.

The Undertakers.

2. The Bridlington Pier and Pavilion Company Limited shall be the Undertakers for carrying this Order into execution.

Undertakers.

25

Acquisition of Lands.

3. The Lands Clauses Acts (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking) are hereby incorporated with this Order and for the purposes of that incorporation the term “special Act” in the said Acts shall mean this Order.

Incorporation
of Lands
Clauses Acts.

4.—(1.) For the purposes of the works authorised by this Order the Company may by agreement enter upon take and use such of the lands shown on the plan deposited for the purposes of this Order as they think requisite for the purposes of such works or any easement or right over or affecting those lands.

Power to take
lands.

35 (2.) The Company may purchase and hold for extraordinary purposes any lands not exceeding in the whole one acre.

5. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors

Power to
take easements
by agreement.

40 easement right or privilege of water in which persons other than the grantors

A.D. 1900. have an interest) required for the purpose of this Order in over or affecting any
Bridlington. such lands and the provisions of the said Acts with respect to lands and rent
charges so far as the same are applicable in this behalf shall extend and apply
to such grants and to such easements rights and privileges as aforesaid
respectively. 5

Nuisance not 6. This Order or anything contained therein shall not exempt the Company
authorised. from any proceedings for nuisance caused or permitted by them on lands taken
by them under the power conferred by this Order.

Works &c.

Limits. 7. The limits within which the Company shall have authority and which 10
shall be deemed the limits to which the provisions of this Order extend shall
comprise the works authorised by this Order and the area below high-water
mark lying within one hundred yards from any part of those works but the
authority given by this Order shall not extend so as to enable the Company to
prevent boatmen from launching their boats from the beach and landing on the 15
beach.

Power to 8. When the Company have obtained in manner provided by this Order the
construct approval of the Corporation to the plans sections and elevations of their proposed
works. works they may subject to the provisions of this Order and subject also to such
alterations (if any) in the plan and section deposited with reference to this 20
Order as the Board of Trade require before the completion of the works in
order to prevent injury to navigation on the lands and in the lines and situation
and according to the levels shown on the deposited plan and sections (so far as
the same are shown thereon) and within the limits of deviation shown on the
plan make and maintain the works authorised by this Order with all necessary 25
works accesses and conveniences connected therewith.

Description of 9. The works authorised by this Order (in this Order referred to as "the
works. pier") comprise the following :—
A pier jetty and landing place from the north shore at Bridlington commencing
at a point on the Beaconsfield Wall at Bridlington immediately opposite 30
the Beaconsfield Estate and one hundred and forty-three yards or there-
abouts south of the centre of the bridge carrying that wall over Trinity
Cut and extending thence seaward in an east by south-easterly direction
for a distance of two hundred and forty-three yards or thereabouts and there
terminating. 35

The said works will be situate in the parish of Bridlington in the East Riding
of the county of York or on the foreshore and bed of the sea adjacent
thereto.

The pier will be constructed throughout its entire length as an open work.

Powers of 10.—(1.) The Company in constructing the works may with the consent in 40
deviation. writing of the Board of Trade deviate laterally to any extent within the limits
of deviation shown on the deposited plan and vertically to any extent approved
by the Board of Trade.

(2.) The Board of Trade before giving their consent to any deviation under
this section shall give the Corporation an opportunity of making representations 45
to the Board with regard to the matter.

11. If any person wilfully obstructs any person acting under the authority of the Company in setting out the lines of the works authorised by this Order or pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works or defaces or destroys those works or any part thereof that person shall for each offence be liable to a penalty not exceeding five pounds.

A.D. 1900.

Bridlington.

Penalty for obstructing works.

12.—(1.) If within two years from the commencement of this Order the works authorised by this Order and shown on the deposited plan and section are not substantially commenced the powers given by this Order for executing those works or otherwise in relation thereto shall cease unless the time for commencement is extended by the special direction of the Board of Trade.

Powers to cease in certain events.

(2.) If those works after having been substantially commenced are virtually suspended for twelve consecutive months the powers given by this Order for executing those works or otherwise in relation thereto shall cease except as to so much of those works as are then completed unless those powers are by the special direction of the Board of Trade continued and directed to remain in force for any period not exceeding five years from the commencement of this Order.

(3.) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in that certificate.

13.—(1.) The plans elevations and sections shown in the working drawings of the pier to be submitted to the Board of Trade must be approved by the Corporation and for that purpose the Company shall submit these plans elevations and sections to the Corporation but this provision shall not prevent the Board of Trade altering any plans elevations and sections so approved when submitted to them if they think fit.

Approval by Corporation of plans of pier.

(2.) The Company shall construct the pier in accordance with the plans elevations and sections so approved subject to any alterations made by the Board of Trade and shall not alter the pier otherwise than in accordance with plans elevations and sections so approved and if the Company act in contravention of this provision with regard to any work the Corporation may remove the work and restore the site of it to its former condition and may recover the expense incurred by them in doing so from the Company.

(3.) The approval of the Corporation under this section shall not be unreasonably withheld and if any question arises whether the approval is unreasonably withheld that question shall be referred to arbitration under this Order.

(4.) The working drawings submitted to the Corporation under this section shall be deemed to have been approved by the Corporation so far as they correspond with plans elevations or sections approved by the Corporation before the commencement of this Order.

14. The Company may provide and maintain in connexion with the works all proper landing stages landing places toll houses toll gates or bars turntables cranes hydraulic lifts buoys moorings and other works and conveniences.

Power to provide landing stages &c.

15. The Company may construct and maintain upon the pier pavilions assembly rooms concert rooms aquaria shops saloons and bazaars kiosks and

Power to erect pavilions &c.

- A.D. 1900. reading refreshment and other rooms and swimming and other baths lavatories and other conveniences and may make such reasonable charges for the use thereof or for admission thereto as they may think fit and they may furnish stock and equip them and may let the same by the year or on lease for such period not exceeding seven years and upon such terms and conditions as they think fit. 5
- Bridlington.*
- Approval of plans of buildings. 16. The construction of any buildings or erections on the pier (other than buildings or erections shown on plans approved by the Corporation before the commencement of this Order) shall be subject to the approval of the Corporation but that approval shall not be unreasonably withheld and if any question arises whether it is unreasonably withheld that question shall be referred to arbitration 10 under this Order.
- Steam engines diving bells lighters. 17. The Company may provide such steam engines steam vessels tugs piling engines diving bells ballast lighters rubbish lighters moorings dredging machines and other machinery vessels and things as they think necessary for effecting any of the purposes of this Order and may demand and receive such sums for the use 15 of the same as they think reasonable.
- Power to dredge &c. 18.—(1.) The Company in connexion with the works authorised by this Order and within the limits to which this Order extends may with the consent of the Board of Trade dredge scour deepen alter and improve the entrances and channels to the works and the approaches works and conveniences connected 20 therewith.
- (2.) Before giving their consent to any operation under this section the Board of Trade shall give the Corporation an opportunity of making representations with regard to the matter.
- Consent of Board of Trade to works below high-water mark. 19. Works authorised by this Order below high-water mark shall not be 25 commenced without the consent in writing of the Board of Trade and shall be executed only in manner approved by the Board of Trade.

Supplemental Provisions as to Management.

- Company to comply with certain requirements of Corporation. 20.—(1.) The Company shall both during the construction of the works authorised by this Order and afterwards comply with such reasonable require- 30 ments as may be made by the Corporation for the purpose of securing so far as may be the uninterrupted use by the public of Beaconsfield Wall or road and of the beach or area within the limits to which the provisions of this Order extend (other than the actual pier and works authorised to be made by this Order) whether for the purpose of promenading bathing boating recreation or 35 otherwise.
- (2.) If any question arises whether any requirement of the Corporation is reasonable or can properly be made under this section that question shall be referred to arbitration under this Order.
- Restrictions on use of pier &c. 21. This Order shall not entitle any person with any vessel or boat to ship or 40 unship at the pier or at any place within the limits to which this Order extends except at places (if any) provided for the purpose any sheep cattle or merchandise or anything which in the opinion of the Company may in any manner interfere with the use of the pier or passengers' landing places for recreation or for the embarking or landing of passengers or their luggage and personal effects and the 45

Company shall not except with the consent of the Corporation permit anything to be landed or shipped at the pier except passengers' luggage. [A.D. 1900.]

Bridlington.

22. A vessel or boat shall not break bulk within the limits to which this Order extends without the consent of the Company or their piermaster.

Vessels not to break bulk within limits without consent.
Vessels not to be moored alongside pier without consent &c.

5 23. A vessel or boat shall not be moored or anchor alongside any part of the pier without the consent of the Company or their piermaster.

24. The Company shall have the appointment of meters and weighers within the limits to which this Order extends.

Meters and weighers.

25.—(1) The Company may make byelaws for all or any of the following Byelaws.
10 matters (that is to say)—

For regulating the collection and levying of the rates tolls and charges authorised by this Order.

For regulating the vessels boats goods and traffic within the limits to which this Order extends.

15 For regulating the conditions of the user of any portion of the pier or any of the buildings erected thereon.

For preventing injury to and protecting the buildings and property thereon or attached thereto.

20 For regulating the conduct of persons frequenting the pier and buildings and preserving order thereon and therein and

For regulating the sale of refreshments on the pier and in the buildings.

(2) The byelaws may provide for imposing a penalty not exceeding forty shillings in the event of the breach or non-observance of any of the byelaws.

25 (3) A byelaw under this section shall not come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

30 (4) For the purpose of giving the Corporation an opportunity of making representations to the Board of Trade with respect to any proposed byelaw the Company shall send a copy of any such proposed byelaw to the Corporation before it is submitted to the Board of Trade.

26. The Company shall not without the consent of the Corporation place or permit to be placed on the outsides of the pier or at the entrance thereto any advertisement other than advertisements relating to entertainments on the pier steamboat sailings or other matters connected with the business of the Company. Restriction on the placing of advertisements.

35

Rates.

27. When in addition to the certificate to be granted under section twenty-six of the Harbours Docks and Piers Clauses Act 1847 a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given the Company may subject and according to the provisions of this Order demand receive and recover for the use of the pier any sums not exceeding the several rates specified in the schedule to this Order. Power to levy rates.

40

[242.]

C

- A.D. 1900. 28. If it is at any time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade but to be paid by the Company that the works authorised by this Order have been so far completed as to afford increased accommodation for the persons walking on the pier or for the landing and embarking or shipping of passengers and goods by means of those works the Company may notwithstanding section twenty-five of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the works authorised by this Order have not then been completed demand receive and recover such of the rates or such proportion of or any of the rates specified in the schedule to this Order as are in the opinion of the Board of Trade commensurate to the increased accommodation afforded. 5 10
- Bridlington.*
Rates may be levied though works not completed.
- 29.—(1) The Company shall levy on vessels using the pier the tonnage rates authorised by this Order in respect of those vessels and subject to the maximums mentioned in Part III. of the schedule to this Order the rates so levied shall not be less than the corresponding tonnage rates for the time being levied by the Bridlington Piers and Harbour Commissioners under the Bridlington Piers and Harbour Act 1837. 15
- Payment of rates on vessels using the pier to the Bridlington Piers and Harbour Commissioners.
- (2) Within twenty-one days after the termination of every half-year ending the Thirtieth day of June and the Thirty-first day of December in every year the Company shall account for and pay over to the Bridlington Piers and Harbour Commissioners the amount received by the Company in respect of the said tonnage rates during the half-year. 20
- 30.—(1) The Company may on any occasions which they deem special but not exceeding twelve days in any one year or for more than three days consecutively close the pier against the public and may if they think fit on those occasions admit any persons to the pier on payment of such special rates of admission not exceeding one shilling for each person as the Company may think fit. 25
- Power to close pier on special occasions &c.
- (2) The Company shall on any such occasion reserve a sufficient passage along the pier for any persons landing or embarking at the pier and that reserved passage shall be open for use by those persons at the ordinary charge and without payment of any special rates so long only as they use the pier as a passage and do not remain upon it. 30
31. The Company may confer vary or extinguish exemptions from and enter into compositions with any persons with respect to the payment of any rates and charges authorised by this Order and may confer vary or extinguish by agreement all other rights and privileges but so that no preference be in any case given to any person and that anything done under this section shall not prejudice the other provisions of this Order 35
- Power to vary exemptions from rates and to enter into compositions &c.
- 32.—(1) The Company may grant to passengers and promenaders or others for the use of the pier (either exclusive or not of any building or room for the time being thereon) pass tickets or family tickets at such rates on such terms and for such periods not exceeding one year as may be agreed upon or may issue books containing any number of tickets at a reduced rate but so that no preference be given to any person. 40 45
- Pass tickets for use of pier.
- (2) A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted and a family ticket shall not be used to admit to the pier any person not being one of the family in respect of which it is

granted and any such pass ticket or family ticket shall not be used by any person after the period limited for its use. A.D. 1900.

(3) If any person acts in any way in contravention of the provisions of this section or uses or attempts to use any false or counterfeit ticket he shall for each offence be liable to a penalty not exceeding twenty shillings. Bridlington.

33. The Company may demand and receive such rates or other considerations as they think reasonable for the use of any buildings weighing machines buoys cranes works and conveniences belonging to or provided by them or in respect of any services rendered by them for which rates are not otherwise specified or authorised in this Order. Power to demand rates &c. for use of buildings &c.

34. The payment of rates payable under this Order for the use of the pier shall not entitle any person paying the same to the use of the buildings and erections thereon or any of them unless the Company otherwise determine. Payment of rates not to confer right to use buildings.

35.—(1) The Company may lease for any term not exceeding seven years the rates and other charges authorised to be taken by this Order or may let for hire or lease for any term not exceeding seven years any pavilions rooms shops bazaars baths or buildings on the pier separately from any other part of the works authorised by this Order to any person upon such terms (pecuniary or otherwise) and under such restrictions and conditions as they think fit. Power to lease rates.

(2) Where the rates or other charges are leased under this section the lessee (during the continuance of and to the extent provided in his lease) shall have and may exercise all or any of the powers (including powers of levying and recovering rates and charges) which the Company have or might exercise under the Harbours Docks and Piers Clauses Act 1847 or this Order and shall be subject to all provisions as to accounts and otherwise to which the Company are subject under this Order.

36. Part V. of the Harbours and Passing Tolls &c. Act 1861 shall apply to the works authorised by this Order. Part V. of 25 Vict. c. 47 to apply.

37. Fishing vessels belonging to countries with which for the time being treaties exist exempting from dues and port charges those vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall when forced by stress of weather to make use of the works authorised by this Order and not breaking bulk while making use thereof be exempt from rates leviable under this Order. Certain fishing vessels under stress of weather exempt from rates.

38. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to or along and on and from the pier without payment. Lifeboat crews exempt from rates.

39. If at any time the clear annual income derived from the pier on the average of the then three last preceding years after payment of all expenses and outgoings other than payments for interest or principal in respect of money borrowed exceeds interest at the rate of ten per centum per annum on the entire sum appearing to the Board of Trade to have been expended by the

A.D., 1900. Company in executing the works authorised by this Order the Board of Trade may
 Bridlington. if in their discretion they think fit reduce the rates leviable under this Order or
 any of them to such amounts as will be sufficient to provide the last-mentioned
 interest at the rate of ten per centum per annum and the rates shall thereupon
 be reduced accordingly but with power to the Board of Trade at any time to 5
 raise them again to sums not exceeding the amounts specified in the schedule
 to this Order.

Finance.

Power to 40. The Company may borrow and re-borrow on mortgage at interest on the
 borrow money. security of the rates charges and other revenue leviable or to be received under 10
 this Order such money as may be required for the purposes of this Order not
 exceeding in the whole one-third of the amount of the capital of the Company
 expended for the purposes of this Order.

Application of 41. Every part of the money borrowed under this Order shall be applied only
 money 15
 borrowed. for the purposes authorised by this Order to which capital is properly applicable
 and not otherwise.

Payment of 42. If within two months after the interest on any mortgage granted by the
 arrears of Company has become due or after the period prescribed for the payment of the
 interest and principal sum on any such mortgage has expired that interest or principal as
 principal may be enforced by 20
 appointment of a receiver. the case may be is not paid the holder of the mortgage may without prejudice
 to any other rights remedies or securities apply for the appointment of a receiver
 under this Order.

Appointment 43.—(1) An application for the appointment of a receiver under this Order
 of a receiver. shall be made to two justices of the East Riding of the county of York and or
 any such application those justices may by order appoint some person as a 25
 receiver to receive the whole or a sufficient part of the rates authorised by this
 Order until all the arrears of interest or of principal or of principal and interest
 as the case may be then due on the outstanding mortgage with all costs
 (including the charges of receiving the rates) are fully paid and on that
 appointment being made the rates shall be paid to and received by the 30
 receiver.

(2.) As soon as the full amount of interest or of principal or of principal and
 interest as the case may be and costs has been so received the power of the
 receiver shall cease and after payment of the costs the receiver shall distribute
 among all the holders of the mortgages to whom interest or principal is in arrear 35
 the rates and other money which shall have been received by him having regard
 in that distribution to the priorities (if any) of those mortgages.

Amount to 44. The amount of arrears of principal to authorise the application for the
 authorise appointment of a receiver shall be one-tenth of the amount of money authorised
 application for receiver. to be borrowed by this Order. 40

Application 45. The revenue received from rates or otherwise under this Order shall be
 of rates &c. received. applicable for the purposes and in the order following and not otherwise:—

(1) In paying the expense properly chargeable to revenue of the maintenance
 repair management and regulation of the pier and of carrying into effect
 the powers given under this Order. 45

(2) In paying year by year the interest accruing on money borrowed under this Order. A.D. 1900.

(3) The surplus revenue (if any) after providing for the purposes aforesaid shall belong to the Company for their own use. *Bridlington.*

5 46.—(1) The Company within one month after sending to the clerk of the peace the copy of their annual account in abstract (which account shall be made up to the end of the day on the Twenty-fifth day of March in each year) shall send a copy thereof to the Board of Trade and to the Corporation and section sixteen of the General Pier and Harbour Act (1861) Amendment Act shall apply
10 to and include any such account. *Annual account to be sent to the Board of Trade.*

(2) If the Company refuse or neglect to comply with this provision they shall for each refusal or neglect be liable to a penalty not exceeding ten pounds.

Life-saving Apparatus.

15 47.—(1) Sections 16 to 19 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order but the Company shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near the pier and build on that site a house and other proper accommodation for a lifeboat rocket apparatus and other
20 life-saving apparatus. *Provision of accommodation for lifeboat &c. if required.*

(2) If the Company fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every calendar month during which the failure continues.

25 48. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily and without payment attach or cause to be attached to any part of the pier spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the pier. *Life-saving apparatus may be attached to pier.*

30 49. The Company shall at all times keep at the outer extremity of the pier and on each side of the pier at intervals of not less than thirty yards life-buoys and lifelines in good order and fit and ready for use. *Life-buoy to be kept.*

Lights.

35 50.—(1) Before commencing the works authorised by this Order the Company shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any direction given upon that application or afterwards given as to the like matters by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be
40 in place of every other statutory requirement as to those matters during the construction of the works. *As to lights during the construction of works.*

(2) The Company shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such direction.

- A.D. 1900.** 51.—(1) After completion or permanent discontinuance or abandonment of the works authorised by this Order the Company shall exhibit at the outer extremity of the pier or the completed portions thereof or in such other places as may be required for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) 5
and take such other steps for the prevention of danger to navigation as may be directed by the Corporation of Trinity House Deptford Strond and the Company shall apply to that Corporation for such directions.
(2) The Company shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to 10 obey any such directions.
- Bridlington.**
As to lights after completion of works.
- 52.—(1) In case of injury to or destruction or decay of the works authorised by this Order or any part thereof the Company shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as are directed by the Corporation of Trinity House 15 Deptford Strond and shall apply to that Corporation for directions.
(2) The Company shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions.
- Provision against danger to navigation.**
- Miscellaneous.* 20
53. All penalties shall be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847 and for all the purposes of that Act this Order shall be deemed the special Act.
- Recovery of penalties.**
54. Any question which under this Order is to be referred to arbitration shall be referred to and determined by a single arbitrator appointed by the Board of 25 Trade.
- Arbitration.**
55. The pier shall in respect of all matters crimes or offences arising or committed thereon requiring the cognisance of any justices of the peace be deemed and taken to be within or as forming part of the parish of Bridlington in the County of York and within the jurisdiction of any justices acting within 30 and for the petty sessional division of which that parish forms part and shall for rating and other purposes be deemed to be within the borough and parish of Bridlington.
- Works to be deemed within the parish of Bridlington.**
56. Sections twenty-eight and ninety-nine of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Order shall apply to and 35 for the benefit of any Government department in the same manner as they apply to and for the benefit of the Government departments specially named in these sections.
- Extension of 10 & 11 Vict. c. 27 (ss. 28 99) to all Government departments.**
57. This Order shall not be taken as a consent to the surrender of any rights interests powers authorities or privileges transferred to the management of the 40 Board of Trade by the Crown Lands Act 1866 nor shall any works under this Order be commenced within limits affected by any such rights interests powers authorities or privileges without the assent of the Board of Trade having been first obtained.
- Saving rights under Crown Lands Act 1866.**
58. This Order or anything herein contained shall not authorise the Company 45 to take or in any manner interfere with any lands or hereditaments or any right
- Saving rights of the Crown.**

of whatever description belong to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty having been first obtained (which consent such Commissioners are hereby authorised to give) neither shall anything in this Order contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

A.D. 1900.
Bridlington.

59. All the costs charges and expenses of or incidental to preparing and obtaining this Order or otherwise incurred in reference thereto shall be paid by the Company.

Costs of Order.

The SCHEDULE to which the foregoing Order refers.

I.—RATES FOR USE OF PIER.

		s.	d.
15	For every master or member of the crew of any vessel boat or wherry using the pier for the purpose of going to or returning from his own vessel boat or wherry an annual sum not exceeding - - -	10	0
	Or where the annual sum is not paid for each time - - -	0	1
20	For every other person using the pier for the purpose of landing from or embarking on board of any ship vessel or boat of any kind whatever for each time any sum not exceeding - - -	0	4
	Save as above and save as hereinafter mentioned for every person using the pier for each time any sum not exceeding—		
	if the person is of the age of twelve or upwards - - -	0	2
25	if the person is under that age - - -	0	1
	For every person using the pier between the hours of 6 p.m. and 10 p.m. on any day on which a concert or other public entertainment is held in any pavilion building or room for the time being on the pier for at least one and a half hours between the said hours of 6 p.m. and 10 p.m. - - -	0	6
30	For every bath or sedan chair (including driver or carriers) taken on the pier for each time any sum not exceeding - - -	0	4
	For every perambulator (including driver and occupants) taken on the pier for each time any sum not exceeding - - -	0	2

A.D. 1900. II.—RATES ON PASSENGERS' LUGGAGE LANDED SHIPPED OR TRAN-
SHIPPED AT THE PIER.
Bridlington.

For every trunk portmanteau box parcel or other package within the description of luggage and not borne by the passenger—	s.	d.	
Not exceeding 28 lbs. in weight	0	2	5
Over 28 lbs. and not exceeding 56 lbs.	0	3	
Over 56 lbs. and not exceeding 84 lbs.	0	4	
Over 84 lbs. and not exceeding 112 lbs.	0	5	
Over 112 lbs. and not exceeding 140 lbs.	0	6	
Over 140 lbs. and not exceeding 196 lbs.	0	7	10
Over 196 lbs. and not exceeding 2 cwts.	0	8	
And for every cwt. beyond	0	4	
And for every 20 lbs. weight in addition or part thereof	0	1	

III.—TONNAGE RATES ON VESSELS USING THE PIER.

For every vessel under the burden of 15 tons register	per ton	0	4	15
For every vessel of the burden of 15 tons and under 50 tons register	per ton register	0	6	
For every vessel of the burden of 50 tons and under 100 tons register	per ton register	0	8	
For every vessel of the burden of 100 tons and under 150 tons register	per ton register	0	10	20
For every vessel of the burden of 150 tons register and upwards	per ton register	1	0	
For every lighter for each trip	per ton	0	2	

IV.—RATES FOR SUPPLYING WATER.

25

Sea water per 3 gallons not exceeding		0	2
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FELIXSTOWE PIER.

A.D. 1900.

*Provisional Order for the Construction Maintenance and Regulation
of a Pier and Works at Felixstowe in the County of Suffolk.*

Felixstowe.

Preliminary.

- 5 1. The Coast Development Company Limited shall be the undertakers for carrying this Order into execution. Undertakers.

In this Order unless the context otherwise requires—

Interpretation.

The expression "the Company" means the Coast Development Company Limited.

- 10 The expression "the Council" means the Felixstowe and Walton Urban District Council.

The expression "the Conservancy Board" means the Harwich Harbour Conservancy Board.

Acquisition of Land.

- 15 2. The Lands Clauses Acts (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking) are incorporated with this Order and for the purposes of that incorporation the term "special Act" in the said Acts shall mean this Order. Incorporation of Lands Clauses Acts.

- 20 3. For the purpose of the works authorised by this Order the Company may by agreement enter upon take and use such of the lands shown on the plan deposited for the purposes of this Order as they think requisite for the purpose of those works or any easement or right over or affecting those lands. Power to take lands.

- 25 4. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Power to take easements by agreement.

- 30 5. This Order or anything contained therein shall not exempt the Company from any proceedings on account of any nuisance caused or permitted by them upon any land acquired by them under this Order. Nuisance not authorised.

35 *Limits and Works.*

6. The limits within which the Company shall have authority and which shall be deemed the limits to which this Order extends shall comprise the works authorised by this Order and the area below high-water mark lying within one hundred and fifty yards from any part of those works which is itself one hundred Limits.

[242.]

D

A.D. 1900. <i>Felixstowe.</i>	and fifty yards below high-water mark and the area below high-water mark lying within fifty yards from any other part of those works.	
Power to construct works.	<p>7. When the Company have obtained in manner provided by this Order the approval of the Conservancy Board and the council to the plans sections and elevations of their proposed works they may subject to the provisions of this Order 5 and subject also to such alterations (if any) in the plan and sections deposited with reference to this Order (in this Order referred to respectively as the deposited plan and sections) as the Board of Trade require before the completion of the works in order to prevent injury to navigation on the lands and in the lines and situation and according to the levels shown on the deposited plan 10 and sections (so far as the same are shown thereon) and within the limits of deviation shown on the deposited plan make and maintain the works authorised by this Order with all necessary works accesses and conveniences connected therewith.</p>	
Description of works.	<p>8. The works authorised by this Order (in this Order referred to as "the 15 pier") comprise :—</p> <p>A pier and approaches thereto commencing at a point on the sea front near to the Old Battery and at a distance of two hundred and fifty yards or thereabouts from the Felixstowe Town Hall measured in a south-westerly direction and extending thence seaward in an east-south-easterly direction 20 for one thousand one hundred yards or thereabouts and there terminating.</p> <p>The works will be situate in the parish of Felixstowe in the county of Suffolk or on the foreshore or in the sea and bed thereof adjacent thereto.</p> <p>The pier itself shall be constructed as an open work.</p>	
Powers of deviation.	<p>9. The Company in constructing the works may with the consent in writing of 25 the Board of Trade deviate laterally to any extent within the limits of deviation shown on the deposited plan and vertically to any extent approved by the Board of Trade.</p>	
Penalty for obstructing works.	<p>10. If any person wilfully obstructs any person acting under the authority of the Company in setting out the lines of the works authorised by this Order or 30 pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works or defaces or destroys those works or any part thereof that person shall for each offence be liable to a penalty not exceeding five pounds.</p>	
Approval by Council and Conservancy Board of plans of pier.	<p>11.—(1.) The plans elevations and sections shown in the working drawings of 35 the pier to be submitted to the Board of Trade must be approved by the Conservancy Board and the council and for that purpose the Company shall submit those plans elevations and sections to the Conservancy Board and the council but this provision shall not prevent the Board of Trade altering any plans elevations and sections so approved when submitted to them if they think 40 fit.</p> <p>(2.) The Company shall construct the pier in accordance with the plans elevations and sections so approved subject to any alterations made by the Board of Trade and shall not alter the pier otherwise than in accordance with plans elevations and sections so approved and if the Company act in contravention of 45 this provision with regard to any work the Conservancy Board or the council</p>	

may remove the work and restore the site of it to its former condition and may recover the expense incurred by them in doing so from the Company. A.D. 1900.
Felixstowe.

(3.) The approval of the Conservancy Board and the council under this section shall not be unreasonably withheld and if any question arises whether the approval is unreasonably withheld that question shall be referred to arbitration under this Order.

12.—(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order and shown on the deposited plan and sections are not substantially commenced the powers given by this Order for executing those works or otherwise in relation thereto shall cease unless the time for commencement is extended by the special direction of the Board of Trade. Powers to
cease in certain
events.

(2.) If those works after having been substantially commenced are virtually suspended for twelve consecutive months the powers given by this Order for executing those works or otherwise in relation thereto shall cease except as to so much of those works as is then completed unless those powers are by the special direction of the Board of Trade continued and directed to remain in force for any period not exceeding five years from the date of the Act confirming this Order.

(3.) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in that certificate.

13.—(1.) Subject to the provisions of this Order the Company may maintain and with the consent of the Board of Trade and the Conservancy Board may alter and improve the pier and in connexion with the pier may construct erect maintain alter and improve landing-places landing-stages slips wharves waiting-rooms sheds toll-houses gates embankments sewers drains watercourses roads approaches works and conveniences and may lay down and maintain rails and tramways on or along the pier and may construct provide lay down and maintain mooring-posts buoys weighing-machines cranes hawsers and other appliances and works for the use of vessels frequenting the pier. Improvement
of pier and
accommodation
works.

(2.) A line of rails or tramway constructed under this Order shall not be used for the public conveyance of passengers until it has been inspected and certified by the Board of Trade to be fit for that use.

(3.) The consent of the Conservancy Board under this section shall not be unreasonably withheld and if any question arises whether that consent is unreasonably withheld that question shall be referred to arbitration under this Order.

14. The carriages used on the line of rails or tramways may be moved by animal power or with the consent of the Board of Trade and subject to such regulations as may be made by that Board by electric power or any mechanical or other motive power and the Company may erect construct lay down and maintain upon the pier and upon lands for the time being belonging to the Company generating stations dynamos conductors posts works and conveniences for the generation of electrical energy and may generate and use that energy for their own purposes in connexion with the pier including the lighting thereof. Motive power.

A.D. 1900.
Felixstowe.
For protection
of the Post-
master General.

15. In the event of electricity being used for any purpose under the previous section the following provisions shall have effect :—

- (1.) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Company have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Company shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.
- (2.) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the use of electricity by the Company under this Order the Company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection.
- (3.)—(a.) Before any electric line is laid down or any act or work for the purpose of the use of electricity under this Order is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work.
- (b.) Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by arbitration.
- (4.) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues.
- (5.) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done

a notice of the execution thereof stating the reason for doing or executing the same without previous notice. A.D. 1900.

(6.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work. Felixstowe.

(7.) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section seven of the Telegraph Act 1878 in relation to the matters mentioned in that section.

(8.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882.

(9.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act.

(10.) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid.

16. The Company may construct and maintain upon the pier swimming and other baths with all necessary or proper pipes and apparatus and pavilions assembly rooms concert rooms aquaria shops saloons and bazaars kiosks reading refreshment and other rooms lavatories and other conveniences and may make such reasonable charges for the use thereof or for admission thereto as they may think fit. and they may furnish stock and equip them and may let the same by the year or on lease for such period not exceeding seven years and upon such terms and conditions as they think fit.

Power to
erect baths
pavilions &c.

17.—(1.) The Company in connexion with the works authorised by this Order may within the limits to which this Order extends dredge scour deepen alter and improve the entrances and channels to the pier and the approaches works and conveniences connected therewith but the powers of the Company under this section shall not be exercised except with the consent of the Conservancy Board and in a manner approved by them.

Power to
dredge &c.

(2.) The consent or approval of the Conservancy Board under this provision shall not be unreasonably withheld and if any question arises whether that consent or approval is unreasonably withheld that question shall be referred to arbitration under this Order.

18. Works authorised by this Order below high-water mark shall not be commenced without the consent in writing of the Board of Trade and shall be executed only in manner approved by the Board of Trade.

Consent of
Board of Trade
to works below
high-water
mark.

A.D. 1900.

*Felixstowe.*Restrictions
on use of
pier &c.

19. This Order shall not entitle any person with any vessel or boat to ship or unship at the pier or landing stages authorised to be made under this Order or at any place within the limits to which this Order extends any sheep cattle or merchandise or goods without the consent of the Company. 5

Restriction as
to landing of
certain
materials.

20. No ballast bricks lime cement minerals stone ore coals grain slates or timber (whether home or foreign grown) deals or logs or any consignment exceeding five tons in weight of any one commodity shall without the consent in writing of the Felixstowe Dock and Railway Company or their successors be shipped or landed at the pier except such as the Company may require for the construction and maintenance of the pier or for the use of the servants tenants and contractors of the Company on the pier. 10

Vessels not to
break bulk with-
in limits without
consent.

21. A vessel or boat shall not break bulk within the limits to which this Order extends without the consent of the Company or their pier master.

Vessels not to
be moored
alongside pier
without
consent &c.

22. A vessel or boat shall not be moored or anchor alongside the pier or within the limits to which this Order extends without the consent of the Company or their pier master. 15

Meters and
weighers.

23. The Company shall have the appointment of meters and weighers within the limits to which this Order extends.

Byelaws.

24.—(1.) The Company may make byelaws for all or any of the following matters that is to say— 20

For regulating the collection and levying of the rates and charges authorised by this Order ;

For regulating the vessels boats goods and traffic within the limits to which this Order extends ; 25

For regulating the conditions of the user of any portion of the pier or any of the buildings erected thereon ;

For preventing injury to and protecting the buildings and property thereon or attached thereto ;

For regulating the conduct of persons frequenting the pier and buildings and preserving order thereon and therein ; and 30

For regulating the sale of refreshments on the pier and in the buildings.

(2.) The byelaws may provide for imposing a penalty not exceeding forty shillings in the event of the breach or non-observance of any of the byelaws.

(3.) A byelaw under this section or under the enactments incorporated with this Order shall not come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes. 35

Rates.

Power to
levy rates.

25. When in addition to the certificate to be granted under section 26 of the Harbours Docks and Piers Clauses Act 1847 a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given the Company may subject and according to the provisions of this Order demand receive and 45

recover for the use of the pier and in respect of the persons animals goods matters and things described in the schedule to this Order any sums not exceeding the rates specified in that schedule.

A.D. 1900.

Felixstowe.

26. If it is at any time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade but to be paid by the Company that the works authorised by this Order have been so far completed as to afford accommodation for persons walking on the pier or for the landing and embarking or shipping of passengers animals or goods by means of those works the Company may notwithstanding Section 25 of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the works authorised by this Order have not then been completed demand receive and recover such of the rates or such proportion of all or any of the rates specified in the schedule to this Order as are in the opinion of the Board of Trade commensurate to the increased accommodation afforded.

Rates may be levied though works not completed.

27.—(1.) The Company may on any occasions which they deem special but not exceeding twelve days in any one year or for more than three days consecutively close the pier against the public and may if they think fit on those occasions admit any persons to the pier on payment of such special rates of admission not exceeding one shilling for each person as the Company may think fit.

Power to close pier on special occasions &c.

(2.) The Company shall on any such occasion reserve a sufficient passage along the pier for any persons landing or embarking at the pier and that reserved passage shall be open for use by those persons at the ordinary charge and without payment of any special rates so long only as they use the pier as a passage and do not remain upon it.

28. The Company may confer vary or extinguish exemptions from and enter into compositions with any persons with respect to the payment of any rates and charges authorised by this Order and may confer vary or extinguish by agreement all other rights and privileges but so that no preference be in any case given to any person and that anything done under this section shall not prejudice the other provisions of this Order.

Power to vary exemptions from rates and to enter into compositions &c.

29.—(1.) The Company may grant to passengers and promenaders or others for the use of the works authorised by this Order either exclusive or not of any building or room for the time being thereon pass tickets or family tickets at such rates on such terms and for such periods not exceeding one year as may be agreed upon or may issue books containing any number of tickets at a reduced rate but so that no preference be given to any person.

Pass tickets for use of pier.

(2.) A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted and a family ticket shall not be used to admit to the pier any person not being one of the family in respect of which it is granted and any such pass ticket or family ticket shall not be used by any person after the period limited for its use.

(3.) If any person acts in any way in contravention of the provisions of this section or uses or attempts to use any false or counterfeit ticket he shall for each offence be liable to a penalty not exceeding twenty shillings.

A.D. 1900.

Felixstowe.

Power to demand rates &c. for use of buildings &c.

30. The Company may (so far as the rates specified in the Schedule to this Order do not extend) demand and receive such rates or other considerations as they think reasonable for the use of any buildings buoys works and conveniences belonging to or provided by them or in respect of any services rendered by them in connexion with the pier.

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Payment of rates not to confer right to use buildings.

31. The payment of rates payable under this Order for the use of the pier shall not entitle any person paying the same to the use of the buildings and erections thereon or any of them or any part thereof unless the Company otherwise determine.

Power to lease rates.

32.—(1.) The Company may lease for any term not exceeding seven years the rates and other charges authorised to be taken by this Order or may let for hire or lease for any term not exceeding seven years any pavilions rooms shops bazaars baths or buildings on the pier separately from any other part of the works authorised by this Order to any person upon such terms (pecuniary or otherwise) and under such restrictions and conditions as they think fit.

15

(2.) Where the rates or other charges are leased under this section the lessee (during the continuance of and to the extent provided in his lease) shall have and may exercise all or any of the powers (including powers of levying and recovering rates and other charges) which the Company have or might exercise under the Harbours Docks and Piers Clauses Act 1847 or this Order and shall be subject to all provisions as to accounts and otherwise to which the Company are subject under this Order.

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Part V. of 24 & 25 Vict. c. 47. to apply.

33. Part V. of the Harbours and Passing Tolls &c. Act 1861 shall apply to the works authorised by this Order.

Certain fishing vessels under stress of weather exempt from rates.

34. Fishing vessels belonging to countries with which for the time being treaties exist exempting from dues and port charges those vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall when forced by stress of weather to make use of the works authorised by this Order and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

30

Lifeboat crews exempt from rates.

35. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to or along and on and from the pier without payment.

35

Board of Trade may reduce rates.

36. If at any time the clear annual income derived from the pier on the average of the then three last preceding years after payment of all expenses and outgoings other than payments for interest or principal in respect of money borrowed exceeds interest at the rate of ten per centum per annum on the entire sum appearing to the Board of Trade to have been expended by the Company in executing the works authorised by this Order the Board of Trade may if in their discretion they think fit reduce the rates leviable under this Order or any of them to such amount as will be sufficient to provide the last-mentioned interest at the rate of ten per centum per annum and the rates shall thereupon be

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reduced accordingly but with power to the Board of Trade at any time to raise them again to sums not exceeding the amounts specified in the schedule to this Order. A.D. 1900.
Felixstowe.

Finance.

- 5 37. The Company may borrow and reborrow on mortgage at interest on the security of the rates charges and other revenue leviable or to be received under this Order such money as may be required for the purposes of this Order not exceeding in the whole one-third of the amount of the capital of the Company expended for the purposes of this Order. Power to borrow money.
- 10 38. Every part of the money borrowed under this Order shall be applied only for the purposes authorised by this Order to which capital is properly applicable and not otherwise. Application of money borrowed.
- 15 39. If within two months after the interest on any mortgage granted by the Company has become due or after the period prescribed for the payment of the principal sum on any such mortgage has expired that interest or principal as the case may be is not paid the holder of the mortgage may without prejudice to any other rights remedies or securities apply for the appointment of a receiver under this Order. Payment of arrears of interest and principal may be enforced by appointment of a receiver.
- 20 40.—(1.) An application for the appointment of a receiver under this Order shall be made to two justices of the peace of the County of Suffolk and on any such application those justices may by order appoint some person as a receiver to receive the whole or a sufficient part of the rates authorised by this Order until all the arrears of interest or of principal or of principal and interest as the case may be then due on the outstanding mortgage with all costs including the charges of receiving the rates are fully paid and on that appointment being made the rates shall be paid to and received by the receiver. Appointment of a receiver.
- 30 (2.) As soon as the full amount of interest or of principal or of principal and interest as the case may be and costs has been so received the power of the receiver shall cease and after payment of the costs the receiver shall distribute among all the holders of the mortgages to whom interest or principal is in arrear the rates and other money which shall have been received by him having regard in that distribution to the priorities (if any) of those mortgages.
- 35 41. The amount to authorise the application for the appointment of a receiver shall be one-tenth of the amount of money authorised to be borrowed by this Order. Amount to authorise application for receiver.
- 40 42. The revenue received from rates or otherwise under this Order shall be applicable for the purposes and in the order following and not otherwise :— Application of rates &c. received.
- (1.) In paying the expenses properly chargeable to revenue of the maintenance repair and management of the pier and of carrying into effect any powers given by this Order.
- (2.) In payment year by year of the interest accruing on money borrowed under this Order.
- (3.) The surplus (if any) after providing for the purposes aforesaid shall belong to the Company for their own use.
- 45 43.—(1.) The Company within one month after sending to the clerk of the peace the copy of their annual account in abstract (which account shall be made up to the end of the day on the twenty-fifth day of March in each year) shall

Annual account to be sent to Board of Trade.

A.D. 1900.

Felixstowe.
25 & 26 Vict.
c. 19.

send a copy thereof to the Board of Trade and Section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account.

(2.) If the Company refuse or neglect to comply with this provision they shall for each refusal or neglect be liable to a penalty not exceeding ten 5 pounds.

*Life Saving Apparatus.*Provision of
accommodation
for lifeboat &c.
if required.

44.—(1.) Sections 16 to 19 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order but the Company shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near to the pier and build on that site 10 a house and other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(2.) If the Company fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure 15 continues.

Life-saving
apparatus may
be attached
to pier.

45. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily and without payment attach or cause to be attached to any part of the pier spars and other apparatus for saving life and 20 may also either in course of using or of exercising the apparatus for saving life fire rockets over the pier.

Life buoys to
be kept.

46. The Company shall at all times keep at the outer extremity of the pier life-buoys and life-lines in good order and fit and ready for use.

Lights.

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As to lights
during con-
struction of
works.

47.—(1.) Before commencing the works authorised by this Order the Company shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards given as to the like matters by the Board of Trade during the construction of the works 30 and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to those matters during the construction of the works.

(2.) The Company shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any 35 such direction.

As to lights
after comple-
tion of works.

48.—(1.) After completion or permanent discontinuance or abandonment of the works authorised by this Order the Company shall exhibit at the outer extremity of the pier or the completed portions thereof or in such other places as may be required for all or any part of the time from sunset to sunrise and according 40 to the requirements of the traffic and the season of the year such lights (if any) and take such other steps for the prevention of danger to navigation as may be directed by the Corporation of Trinity House Deptford Strond and the Company shall apply to that Corporation for such directions.

(2.) The Company shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions. A.D. 1900.
Felixstowe.

49.—(1.) In case of injury to or destruction or decay of the works authorised by this Order or any part thereof the Company shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as are directed by the Corporation of Trinity House Deptford Strond and shall apply to that corporation for such directions. Provision
against danger
to navigation.

(2.) The Company shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions.

Miscellaneous.

50. Where any question is to be referred to arbitration under this Order that question shall be referred to and determined by a single arbitrator appointed by the Board of Trade. Arbitration.

51. All penalties shall be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847 and for all the purposes of that Act this Order shall be deemed the special Act. Recovery of
penalties.

52. Sections 28 and 99 of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Order shall apply to and for the benefit of any Government Department in the same manner as they apply to and for the benefit of the Government Departments specially named in those sections. Extension of
10 & 11 Vict.
c. 27 (ss. 28,
99) to all
Government
Departments.

53. This Order shall not be taken as a consent to the surrender of any rights interests powers authorities or privileges transferred to the management of the Board of Trade by the Crown Lands Act 1866 nor shall any works under this Order be commenced within limits affected by any such rights interests powers authorities or privileges without the assent of the Board of Trade having been first obtained. Saving rights
under Crown
Lands Act
1866.

54. This Order or anything herein contained shall not authorise the Company to take or in any manner interfere with any lands or hereditaments or any rights of whatever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty having been first obtained (which consent such Commissioners are hereby authorised to give) neither shall anything in this Order contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exercisable by the Queen's Majesty. Saving rights
of the Crown.

55. All the costs charges and expenses of or incidental to preparing and obtaining this Order or otherwise incurred in reference thereto shall be paid by the Company. Costs of Order.

56. This Order may be cited as the Felixstowe Pier Order 1900.

Short title

A.D. 1900.
Felixstowe.

The SCHEDULE to which the foregoing Order refers.

I.—RATES FOR USE OF PIER.

	<i>s.</i>	<i>d.</i>	
For every master of any vessel boat or wherry using the pier for the purpose of going to or returning from his own vessel boat or wherry an annual sum not exceeding - - -	10	0	5
Or if the annual sum is not paid for each time - - -	0	1	
For every other person using the pier for the purpose of landing from or embarking on board of any ship vessel or boat of any kind whatever for each time any sum not exceeding - - -	0	4	10
Save as above and save as herein-after mentioned for every person using the pier for each time any sum not exceeding - - -	0	2	
For every person using the pier between the hours of 6 p.m. and 10 p.m. on any day on which a concert or other public entertainment is held in any pavilion building or room for the time being on the pier for at least one and a half hours between the said hours of 6 p.m. and 10 p.m. - - -	0	6	15
For every bath or sedan chair (including driver or carriers) taken on the pier for each time any sum not exceeding - - -	0	4	
For every perambulator (including driver) taken on the pier for each time any sum not exceeding - - -	0	2	20

II.—RATES ON PASSENGERS' LUGGAGE LANDED SHIPPED OR TRANSHIPPED AT THE PIER.

For every trunk portmanteau box parcel or other package within the description of luggage and not borne by the passenger—					25
				<i>s.</i>	<i>d.</i>
Not exceeding 28 lbs. in weight	-	-	-	0	2
Over 28 lbs. and not exceeding 56 lbs.	-	-	-	0	3
Over 56 lbs. and not exceeding 84 lbs.	-	-	-	0	4
Over 84 lbs. and not exceeding 112 lbs.	-	-	-	0	5
Over 112 lbs. and not exceeding 140 lbs.	-	-	-	0	6
Over 140 lbs. and not exceeding 196 lbs.	-	-	-	0	7
Over 196 lbs. and not exceeding 2 cwts.	-	-	-	0	8
And for every 20 lbs. weight in addition or part thereof	-	-	-	0	1

III.—RATES ON GOODS SHIPPED TRANSHIPPED OR UNSHIPPED AT THE PIER. 35

	<i>s.</i>	<i>d.</i>	
Ale beer and porter in cask per 54 gallons - - -	0	6	
Ale beer or porter bottled per 35 gallons - - -	0	4	
Ale beer or porter bottled per dozen quarts - - -	0	2	
Ale beer or porter bottled per dozen pints - - -	0	1	40
Anchors per cwt. - - -	0	3	
Anchor stock per foot run - - -	0	3	

							s.	d.	A.D. 1900.
	Ballast per ton	-	-	-	-	-	1	6	<i>Felixstowe.</i>
	Bark per ton	-	-	-	-	-	1	6	
	Beef or pork per cwt.	-	-	-	-	-	0	3	
5	Biscuits or bread per cwt.	-	-	-	-	-	0	3	
	Blubber per 252 gallons	-	-	-	-	-	3	0	
	Bones and bone dust per ton	-	-	-	-	-	1	0	
	Bottles per gross	-	-	-	-	-	0	9	
	Bricks per 1000	-	-	-	-	-	1	0	
10	Butter and lard per cwt.	-	-	-	-	-	0	2	
	Bicycles and tricycles each	-	-	-	-	-	0	3	
	Cables iron or hempen per ton	-	-	-	-	-	3	0	
	Canvas per 40 yards	-	-	-	-	-	0	1	
	Carriages chaises and other four-wheeled carriages each	-	-	-	-	-	3	6	
15	Gigs carts and other two-wheeled carriages each	-	-	-	-	-	2	0	
	Hand carts each	-	-	-	-	-	1	0	
	Casks (empty) not being returned packages each	-	-	-	-	-	0	3	
	Cattle—								
	Bulls cows and oxen each	-	-	-	-	-	1	0	
20	Calves each	-	-	-	-	-	0	9	
	Horses each	-	-	-	-	-	1	0	
	Mules ponies or donkeys each	-	-	-	-	-	1	0	
	Pigs each	-	-	-	-	-	0	3	
	Sheep each	-	-	-	-	-	0	3	
25	Chalk per ton	-	-	-	-	-	1	0	
	Cheese per cwt.	-	-	-	-	-	0	4	
	Chimney pots each	-	-	-	-	-	0	2	
	Clay per ton	-	-	-	-	-	1	0	
	Cloth haberdashery &c. per cwt.	-	-	-	-	-	0	6	
30	Coals per ton	-	-	-	-	-	0	6	
	Copper per ton	-	-	-	-	-	3	0	
	Cordage per cwt.	-	-	-	-	-	0	3	
	Corks per cwt.	-	-	-	-	-	0	6	
	Crystal per ton	-	-	-	-	-	5	0	
35	Dogs each	-	-	-	-	-	0	6	
	Drugs (in casks hampers or boxes) per cubic foot	-	-	-	-	-	0	2	
	Earthenware (in crates) per cubic foot	-	-	-	-	-	0	1	
	Eggs per cwt.	-	-	-	-	-	0	2	
	Fish (not sold by auction) turbon brill halibut soles cod and ling per								
40	cwt.	-	-	-	-	-	0	3	
	Fish (not sold by auction) herrings (fresh) per 1000	-	-	-	-	-	0	3	
	Fish (not sold by auction) herrings (salt) per cwt.	-	-	-	-	-	0	3	
	Fish (not sold by auction) oysters crabs and lobster per half-cwt.	-	-	-	-	-	0	2	
	Fish (not sold by auction) (dried and salted) per cwt.	-	-	-	-	-	0	3	
45	Fish (not sold by auction) (fresh) not enumerated per cwt.	-	-	-	-	-	0	2	
	Fish of all kinds (sold by auction) 1½ per cent. upon the gross amount realised by the sale.								
	Flax per ton	-	-	-	-	-	2	0	
	Flour and meal per 4 bushels	-	-	-	-	-	0	3	

A.D. 1900.		s.	d.	
<i>Felixstowe.</i>	Flour and meal per cwt.	0	15	4
	Furniture (household) per 5 cubic feet	0	4	
	Fruit per bushel	0	4	
	Fuel (manufactured) per ton	0	6	5
	Glass per cwt.	0	3	
	Grains and seeds per cwt.	0	2	
	Groceries not enumerated per cwt.	0	6	
	Guano per ton	1	0	
	Gunpowder per cwt.	0	6	10
	Hams bacon or tongues per cwt.	0	4	
	Hardware per ton	2	6	
	Hares and rabbits per dozen	0	4	
	Hay per ton	1	6	
	Hemp per ton	2	0	15
	Hides—			
	Ox cow or horse (wet or dry) each	0	1	
	Ice per ton	1	0	
	Iron—			
	Bar bolt rod and shots per ton	1	6	20
	Pig and old per ton	1	0	
	Manufactured per ton	2	6	
	Pots each	0	1	
	Kelp per ton	2	0	
	Lead per ton	2	0	25
	Leather tanned and dressed per cwt.	0	8	
	Lime per 23 bushels	1	4	
	Limestone per ton	0	6	
	Machinery per ton	2	6	
	Manure (not enumerated) per ton	0	4	30
	Masts and spars 10 inches in diameter and upwards each	2	0	
	Masts and spars under 10 inches in diameter each	1	6	
	Meat (fresh) per cwt.	0	2	
	Milk per three gallons	0	0	1
	Musical instruments per cubic foot	0	1	35
	Mussels or other bait for fish per ton	1	0	
	Nets per 5 cubic feet	0	4	
	Oakum per cwt.	0	2	
	Oils per ton	2	0	
	Oil cake per ton	1	6	40
	Oranges and lemons per cwt.	0	6	
	Ores per ton	1	0	
	Paint per cwt.	0	2	
	Peat per ton	0	6	
	Perambulators each	0	3	45
	Pitch and tar per cwt.	0	2	
	Potatoes per cwt.	0	2	
	Poultry and game per dozen	0	4	
	Rags and old rope per ton	2	0	

							s.	d.	A.D. 1900.
	Sails per cwt.	-	-	-	-	-	-	0 3	—
	Salt per ton	-	-	-	-	-	-	1 0	Felixstowe.
	Sand per ton	-	-	-	-	-	-	0 4	
5	Shrimp baskets each	-	-	-	-	-	-	0 2	
	Skins—								
	Calf goat sheep lamb or dog per dozen	-	-	-	-	-	-	0 6	
	Slates per 24 cubic feet	-	-	-	-	-	-	0 3	
	Spirits per 54 gallons	-	-	-	-	-	-	1 0	
10	Spirit per gallon	-	-	-	-	-	-	0 0½	
	Steel per ton	-	-	-	-	-	-	3 0	
	Stones per 16 cubic feet	-	-	-	-	-	-	1 6	
	Sugar per cwt.	-	-	-	-	-	-	0 3	
	Tallow soap and candles per cwt.	-	-	-	-	-	-	0 3	
15	Tea per 56 lbs.	-	-	-	-	-	-	1 0	
	Tiles per 1000	-	-	-	-	-	-	1 0	
	Tin and zinc per ton	-	-	-	-	-	-	3 0	
	Tobacco per cwt.	-	-	-	-	-	-	0 3	
	Turnips per ton	-	-	-	-	-	-	0 6	
20	Turpentine and varnish per cwt.	-	-	-	-	-	-	0 2	
	Turtle each	-	-	-	-	-	-	2 6	
	Vegetables (not enumerated) per cwt.	-	-	-	-	-	-	0 1	
	Vinegar per 54 gallons	-	-	-	-	-	-	0 6	
	Vitriol per 36 gallons	-	-	-	-	-	-	0 1	
25	Water per 54 gallons	-	-	-	-	-	-	0 3	
	Wine per 54 gallons	-	-	-	-	-	-	1 0	
	Wine (bottled) per gallon	-	-	-	-	-	-	0 1	
	Wood—								
	Per 50 feet	-	-	-	-	-	-	1 0	
30	Firewood and laths and lathwood per 216 cubic feet	-	-	-	-	-	-	1 6	
	Spars and oars per 120	-	-	-	-	-	-	2 6	
	Trenails and wedges per 1000	-	-	-	-	-	-	2 6	
	Pipe staves and others in proportion per 120	-	-	-	-	-	-	2 6	
	Lignum vitæ and fustic logwood mahogany and rosewood per ton	-	-	-	-	-	-	2 0	
35	Wool per cwt.	-	-	-	-	-	-	0 2	
	Yarn per cwt.	-	-	-	-	-	-	0 2	

ALL OTHER GOODS NOT PARTICULARLY ENUMERATED ABOVE.

	Light goods per cubic foot	-	-	-	-	-	-	0 1
	Heavy goods per ton	-	-	-	-	-	-	2 0
40	In charging the rates on goods the gross weight or measurement of all goods to be taken and for any less weights measures and quantities than those above specified a proportion of the respective rate shall be charged.							

A.D. 1900.

IV.—FOR THE USE OF CRANES WEIGHING MACHINES AND SHEDS.

Felixstowe.

1.—Rates of Cranage.

				<i>s.</i>	<i>d.</i>
All goods or packages not exceeding 1 ton	-	-	-	-	0 4
Exceeding 1 ton and not exceeding 2 tons	-	-	-	-	0 6 5
Exceeding 2 tons and not exceeding 3 tons	-	-	-	-	0 8
Exceeding 3 tons and not exceeding 4 tons	-	-	-	-	0 10
Exceeding 4 tons and not exceeding 5 tons	-	-	-	-	1 0
Exceeding 5 tons and not exceeding 6 tons	-	-	-	-	1 2
Exceeding 6 tons and not exceeding 7 tons	-	-	-	-	1 4 10
Exceeding 7 tons and not exceeding 8 tons	-	-	-	-	1 6
Exceeding 8 tons and not exceeding 9 tons	-	-	-	-	1 10
Exceeding 9 tons and not exceeding 10 tons	-	-	-	-	2 4
Exceeding 10 tons	-	-	-	-	3 6

2.—Weighing Machines.

15

For goods weighed for each ton or part of a ton	-	-	-	0 2
---	---	---	---	-----

3.—Shed Dues.

For each ton of goods which shall remain in the sheds or on the other works of the pier for a longer time than 24 hours the sum of 3*d.* and the sum of three halfpence per ton for each day during which such goods shall remain after the first 24 hours. 20

For every portmanteau trunk parcel or other article of passengers' luggage for each day or part of a day per package - - 0 2

It shall be at the option of the Company to ascertain the amount of rates payable on goods either by weight or by measurement forty cubic feet being held equal to one ton. 25

PENRYN HARBOUR IMPROVEMENT.

A.D. 1900.

Penryn.

*Provisional Order for the Construction of Further Works in
Penryn Harbour and for conferring further Powers upon the
Mayor Aldermen and Burgesses of the Borough of Penryn in
the County of Cornwall in relation to that Harbour.*

Preliminary.

1.—(1.) This Order may be cited as the Penryn Harbour Improvement Short title.
Order 1900.

(2.) This Order shall be construed as one with the Penryn Harbour Order
10 1870 (in this Order called "the Order of 1870") and this Order and the Order
of 1870 may together be cited as the Penryn Harbour Orders 1870 and 1900.

Undertakers.

2. The Mayor Aldermen and Burgesses of the borough of Penryn acting by Undertakers.
the council of the said borough shall be the Undertakers for carrying this Order
15 into execution and are in this Order referred to as "the Corporation."

Limits Works and Management.

3.—(1.) The limits within which the Corporation shall have authority and Limits.
which shall be deemed to be the limits to which the Order of 1870 and this
Order extend shall include the works authorised by this Order as well as the
20 area within the limits to which the Order of 1870 extends.

(2.) The area within the limits to which the Order of 1870 and this Order
extend is in this Order referred to as "the harbour."

4. Subject to the provisions of this Order and subject also to such alterations Power to con-
(if any) in the plan and section deposited with reference to this Order as the struct works.
25 Board of Trade require before the completion of the works in order to prevent
injury to navigation the Corporation may on the lands and in the lines and
situations and according to the levels and within the limits of deviation shown
on the deposited plan and section so far as the same are shown thereon make
and maintain the works authorised by this Order with all necessary works
30 accesses and conveniences.

5. The works authorised by this Order comprise a wharf wall and embankment Description of
commencing at a point two hundred and forty-nine feet six inches measured in works.
an east-south-easterly direction from the north-easterly corner of the partly
erected wharf belonging or reputed to belong to Messrs. Diplock and Company
35 on the southern side of that part of the Penryn River called or known as Penryn
Harbour thence proceeding in an east-south-easterly direction for a distance of
nine hundred and thirty feet or thereabouts from the point of commencement of
thence proceeding in a south-south-westerly direction for a distance of four

A.D. 1900. hundred and ten feet or thereabouts and terminating at a point one hundred and
Penryn. ninety feet or thereabouts measured in a north-easterly direction from the south-
 westerly corner of the enclosure number fifty-nine on the $\frac{1}{2500}$ Ordnance map
 (Cornwall LXXI. 7 1892).

The said wharf wall or embankment will be solid. 5

The said works will be wholly situate in the parish of Budock in the county of Cornwall.

Power to deviate.

6. The Corporation may with the consent in writing of the Board of Trade in the execution of the works authorised by this Order deviate laterally to any extent within the limits of deviation shown on the deposited plan and vertically 10 to any extent approved by the Board of Trade.

Penalty for obstructing works.

7. If any person wilfully obstructs any person acting under the authority of the Corporation in setting out the lines of the works authorised by this Order or pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works or defaces or destroys those works or any 15 part thereof that person shall for each offence be liable to a penalty not exceeding five pounds.

Powers to cease in certain events.

8.—(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order are not substantially commenced the powers by this Order given for executing those works or otherwise in relation 20 thereto shall cease unless the time for commencement is extended by the special direction of the Board of Trade.

(2.) If the works authorised by this Order after having been substantially commenced are virtually suspended for twelve consecutive months the powers given by this Order for executing those works or otherwise in relation thereto 25 shall cease except as to so much of those works as is then completed unless those powers are by the special direction of the Board of Trade continued and directed to remain in force for any period not exceeding five years from the date of the passing of the Act confirming this Order.

(3.) In either of the above cases a certificate from the Board of Trade to 30 the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the fact stated in that certificate.

Subsidiary works.

9. The Corporation may make provide and maintain in connexion with the 35 works authorised by this Order all or any of the following subsidiary works namely any necessary or convenient roads approaches slips quays shipping and landing places sea walls jetties stages sheds warehouses buildings cranes lamps lamp-posts buoys moorings machinery sewers drains groynes and other similar works appliances and conveniences. 40

Power to dredge &c. harbour and channels thereof.

10. The Corporation may blast dredge scour widen straighten deepen alter and improve the harbour and appropriate any rock mud sand or other material so dug and excavated and generally use the same for the construction and maintenance of the works authorised by this Order or for the purposes of the 45 harbour.

A.D. 1900.

Penryn.

11. Any works below high water mark shall not be commenced without the consent in writing of the Board of Trade and shall be executed only in the manner approved by that Board.

Consent of
Board of Trade
to works below
high-water
mark.

12. In addition to the subsidiary works authorised by this Order the Corporation may construct provide and maintain warehouses and other buildings in connexion with the harbour.

Power to
provide
warehouses &c.

13. Notwithstanding anything contained in the Harbours Docks and Piers Clauses Act 1847 the Corporation may from time to time lease or grant the exclusive use or occupation of any warehouses buildings wharves yards cranes machines or other conveniences provided by them for the purposes of their harbour undertaking to any person for such period (not exceeding seven years) and at such rents and on such terms and conditions as they think fit.

Power to lease
warehouses &c.

14.—(1.) The Corporation may provide for lighting the harbour and the works and buildings connected therewith by gas or electricity or other illuminating power and for that purpose may enter into agreements for such lighting.

Corporation
may provide
for lighting
harbour.

(2.) All works provided by the Corporation for lighting the harbour and the works and buildings connected therewith by electricity shall be so constructed and used as to prevent any interference with telegraphic communication by means of any telegraphs for the time being used or intended to be used by the Postmaster-General.

(3.) The position and character of any lights used by the Corporation in or in connexion with the harbour shall be approved by the Corporation of Trinity House Deptford Strond and the Corporation shall not use any such lights unless so approved.

Rates.

15. Subject to the provisions of this Order the Corporation may demand and receive on any and every vessel entering within the harbour whether that vessel anchors or is moored within the harbour or not or is lying alongside any wharves or quays within the harbour or not a rate not exceeding the rate of twopence per ton register of the vessel and if the vessel remains in the harbour more than two months continuously then for every month or part of a month during which the vessel so remains after the first two months a further rate not exceeding the rate of one penny per ton register of the vessel Provided that—

Rates.

- (a) the rates leviable under this section in the case of vessels forced by stress of weather to seek shelter in the harbour and not breaking bulk while making use thereof shall not exceed one halfpenny per ton register of the vessel ; and
- (b) the rates leviable under this section shall in the case of unregistered vessels be calculated upon every ton of one half of the gross burden or dead weight capacity of the ship instead of the ton register ; and
- (c) rates under this section shall not be levied in respect of the same vessel more than four times in any one year ending on the thirty-first day of March.

[242.]

G

A.D. 1900.

*Penryn.*Revision of
rates.

16.—(1.) The rates to be levied by the Corporation for the time being under this Order shall be adjusted by the Corporation within the maximum rates specified in this Order in such a manner that so far as possible the income of the harbour shall not for the time being be more than is sufficient for the purpose of the Order of 1870 and this Order.

5

(2.) If at any time it appears to the Board of Trade from the annual account sent to them that the clear annual income derived from the harbour on the average of the then three last preceding years after payment of all expenses and outgoings exceeds the amount sufficient for the purposes of the Order of 1870 and this Order that Board may if they think fit reduce the maximum rates to such sums as will be sufficient to provide the amount aforesaid and may at any time raise those maximum rates again so that they do not exceed the sums specified in this Order as the maximum rates.

10

Certain fishing
vessels under
stress of
weather
exempt from
rates.

17. Fishing vessels belonging to countries with which for the time being treaties exist exempting from dues and port charges those vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall when forced by stress of weather to make use of the harbour and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

15

Lifeboat crews
exempt from
rates.

18. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to in or from the harbour.

20

25

Finance.

Power to
borrow.

19.—(1.) The Corporation may borrow on mortgage at interest on the security of the rates authorised by this Order such sums of money as may be required for the purposes of this Order and the Order of 1870 not exceeding in the whole the sum of ten thousand pounds.

30

(2.) All sums borrowed by the Corporation under this Order shall be applied for the purposes of the Order of 1870 and this Order to which capital is properly applicable and not otherwise.

(3.) The Corporation may secure by mortgage under this section the payment with interest of any money due or to become due to any contractor for the execution of works authorised by this Order and any money so secured shall be considered to be money borrowed under this Order.

35

(4.) Sections 236 237 238 and 239 of the Public Health Act 1875 shall apply to all mortgages made under this Order but in those sections as so applied the word "rates" shall mean the rates authorised by this Order.

40

(5.) A person lending money to the Corporation shall not be concerned to inquire as to the observance by them of any provisions of this Order or be bound to see to the application or be answerable for any loss or non-application of the money lent.

20.—(1.) Any sum borrowed by the Corporation under this Order shall be repaid within forty years from the date on which the sum is borrowed. A.D. 1900.

(2.) The Corporation shall pay off all moneys borrowed by them under this Order either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund. *Penryn.*
Repayment
of money
borrowed.

(3.) If any money borrowed under this Order is to be repaid by means of a sinking fund the Corporation shall in every year set apart for a sinking fund and accumulate in the way of compound interest (by investing the same in securities in which trustees are by law for the time being authorised to invest other than securities of the Corporation and securities transferable by delivery) such a sum as will with accumulations in the way of compound interest be sufficient to pay off the whole of the principal money borrowed within the period for which it is borrowed and the Corporation may apply any portion of the sinking fund in or towards paying off the money for the repayment of which it was created.

21.—(1.) The town clerk shall within two months after the expiration of each year during which any sum is required to be paid as an instalment or set apart for a sinking fund under this Order transmit to the Board of Trade a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by that Board showing the amount which has been paid as an instalment or invested for the purpose of any such sinking fund during that year and the description of the securities upon which the amount has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during that year and the total amount remaining invested at the end of that year. Annual
return to be
made to Board
of Trade.

(2.) The town clerk in the event of any wilful default in making the return under this section shall be liable to a penalty not exceeding twenty pounds and that penalty shall be paid to the Board of Trade and shall be recoverable by that Board in a summary manner.

(3.) If it appears to the Board of Trade by the return under this section or otherwise that the Corporation have failed to pay any instalment or to set apart in accordance with the provisions of this Order any sum required by this Order for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Order the Board of Trade may by order direct that a sum not exceeding double the amount in respect of which the default has been made shall be set apart and invested as part of the sinking fund and such Order shall be enforceable by writ of mandamus to be obtained by the Board of Trade out of the High Court.

22.—(1.) If the Corporation pay off any part of any money borrowed by them under this Order otherwise than by means of instalments or a sinking fund they may reborrow that money. Power to
reborrow.

(2.) All moneys so reborrowed shall be repaid within the period fixed for the repayment of the money in lieu of which the reborrowing has been made and any amounts reborrowed shall be deemed to form the same loan as the moneys in lieu of which the reborrowing has been made and the obligations of the Corporation with respect to the repayment of that money shall not be in any way affected by the reborrowing.

A.D. 1900.

Penryn.
Application
of income.

23. After the passing of the Act confirming this Order the Corporation shall apply the revenue received from rates or otherwise under the Order of 1870 and this Order for the purposes and in the order following and not otherwise (that is to say) :--

- (1) In paying all the costs charges and expenses of or incidental to applying 5
for preparing and obtaining this Order or otherwise incurred in relation
thereto except so far as the same are paid out of the moneys borrowed
under this Order ;
- (2) In paying the expenses properly chargeable to revenue of the maintenance
repair management and regulation of the harbour and of the works authorised 10
by the Order of 1870 and this Order ;
- (3) In paying year by year the interest of any money borrowed under this
Order ;
- (4) In paying the instalments as they become due in respect of the principal
of any money borrowed under this Order or in providing in accordance with 15
this Order a sinking fund for the discharge of that principal money ;
- (5) In paying the cost of constructing any subsidiary works so far as such cost
has not been paid out of borrowed moneys ;
- (6) The surplus income (if any) may be applied in the further general
improvement of the harbour and works. 20

Annual
account to be
sent to Board
of Trade.
24 & 25 Vict.
c. 19.

24.—(1.) The Corporation within one month after sending to the clerk of the
peace a copy of their annual account in abstract shall send a copy of it to the
Board of Trade and the sixteenth section of the General Pier and Harbour
Acts 1861 Amendment Act shall apply to the account as if the Corporation were
a Company within the meaning of that section. 25

(2.) The account shall be made up to the end of the financial year of the
borough.

(3.) If the Corporation refuse or neglect to comply with this provision they
shall for each refusal or neglect be liable to a penalty not exceeding ten pounds.

Byelaws.

30

Power to make
byelaws.

25.—(1.) The Corporation may make byelaws to take effect within the harbour
for the regulation licensing and control of vessels and boats and also for the
regulation licensing and control of persons embarking disembarking plying for
hire frequenting or resorting to or employed in the harbour and for regulating
and fixing the fares to be charged by those licensed persons and may impose and 35
recover a penalty not exceeding forty shillings in any case for the breach or
non-observance of any byelaw.

(2.) A byelaw made under this section shall not come into operation until it
has received the allowance and confirmation of the Board of Trade and that
allowance and confirmation shall be sufficient for all purposes. 40

(3.) The Corporation shall not under this Order make or enforce byelaws for
any purpose for which they have power under the Public Health Acts to make
byelaws.

Life-saving Apparatus.

A.D. 1900.

26.—(1.) The Corporation shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near the harbour and build on that site a house and other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

Penryn.
Site for life-boat house.

(2.) If the Corporation fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues.

27. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily and without payment attach or cause to be attached to any part of the harbour spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the harbour.

Life-saving apparatus may be attached to pier.

28.—(1.) The Corporation shall at any time keep at such places in the harbour as may be directed by the Board of Trade lifebuoys and lines in good order and ready for use and shall apply for the directions of the Board under this section as soon as the works are completed.

Life buoys.

(2.) The Corporation shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to observe any such directions.

Lights.

29.—(1.) Before commencing the works authorised by this Order the Corporation shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards given as to the like matters by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to those matters during the construction of the works.

As to lights during construction of works.

(2.) The Corporation shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such direction.

30.—(1.) After completion or permanent discontinuance or abandonment of the works authorised by this Order or the Order of 1870 the Corporation shall exhibit at the outer extremity of the works or the completed portions thereof or in such other places as may be required for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and take such other steps for the prevention of danger to navigation as may be directed by the Corporation of Trinity House Deptford Strond and the Corporation shall apply to the said Corporation of Trinity House for such directions.

As to lights after completion of works.

(2.) The Corporation shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions.

A.D. 1900.

*Penryn.*Provision
against danger
to navigation.

31.—(1.) In case of injury to or destruction or decay of the works authorised by this Order or the Order of 1870 or any part thereof the Corporation shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as are directed by the Corporation of Trinity House Deptford Strond and shall apply to the said Corporation of Trinity House for such directions.

(2.) The Corporation shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions.

Miscellaneous.

10

Recovery of
penalties.

32. All penalties shall be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847 and for all the purposes of that Act this Order shall be deemed the Special Act.

Extension of
10 & 11 Vict.
c. 27 (ss. 28
99) to all
Government
Departments.

33. Sections 28 and 99 of the Harbours Docks and Piers Clauses Act 1847 as incorporated with the Order of 1870 and this Order shall apply to and for the benefit of any Government Department in the same manner as they apply to and for the benefit of the Government Departments specially named in those sections.

15

Exception from
incorporation of
certain sections
of Harbours
Docks and Piers
Clauses Act 1847.

34. The sections of the Harbours Docks and Piers Clauses Act 1847 which are excepted from incorporation under section 17 of the Order of 1870 are not incorporated with this Order.

20

Repeal.

35. Section 6 7 8 9 and 10 of the Order of 1870 are hereby repealed.

Costs of Order.

36. All the costs charges and expenses of or incidental to the obtaining of this Order or otherwise incurred in relation thereto as taxed by the proper officer shall be paid by the Corporation.

Pier and Harbour Provisional Orders (No. 2)

A

B I L L

To confirm certain Provisional Orders made
by the Board of Trade under the General
Pier and Harbour Act 1861 relating to
Bridlington Felixstowe and Penryn.

*(Prepared and brought in by
Mr. Ritchie and Mr. Hanbury.)*

*Ordered, by The House of Commons, to be Printed
28 May 1900.*

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
EYRE and SPOTTISWOODE, East Harding Street, Fleet Street, E.C.,
and 32, Abingdon Street, Westminster, S.W.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price 5½d.*]

[Bill 242.]

A

B I L L

TO

Authorise the grant out of Police Funds of certain Allow-
ances and Gratuities in respect of Police Reservists who
are called out on Permanent Service.

A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled,
and by the authority of the same, as follows :—

- 5 1.—(1.) Where a constable of a police force within the meaning
of this Act belongs to the Army Reserve, and has been called out
for permanent service in pursuance of the Royal Proclamation
of the seventh day of October one thousand eight hundred and
ninety-nine, the police authority may, if they think fit, grant out
10 of the police fund, to or for the benefit of his wife and children,
or any of them, or in the case of an unmarried man to or for the
benefit of any person whom he is legally liable to maintain and
towards whose support he has regularly contributed, an allowance
of such amount and subject to such conditions and restrictions as
15 they think equitable.

Family
allowances
for police
reservists
on active
service.
[See 45 & 46
Vict. c. 48.
s. 12.]

Provided as follows :—

- (a.) Any such allowance shall be granted for a limited period
not exceeding *one year*, and may be renewed for a further
period, but shall not be continued after the police authority
20 have received notice that the man has ceased to be
employed on army service ;
- (b.) The aggregate amount of the weekly allowance granted
for a wife, or for a wife and child or children, together with
the weekly amount of any separation or other allowance
25 required to be paid out of military funds in pursuance of
any Royal Warrant, and the weekly amount of any com-
pulsory deductions from the man's pay as a soldier, shall not
exceed the total weekly amount which he was receiving from
police funds when called out.

[Bill 91.]

A.D. 1900.

(c.) The allowance granted in respect of any person or persons other than a wife or child shall not exceed in the aggregate *eight shillings* a week.

[See 53 & 54
Vict. c. 45.
ss. 1 (c),
2 (2).]

(2.) If the man dies or is disabled whilst employed on army service, the police authority shall have the same powers with respect to the grant of gratuities as if he had been in the police force at the time of his death or disablement.

[See 53 & 54
Vict. c. 45.
s. 5 (4).]

(3.) If he returns to the police force he shall return to a rank not less than the rank which he held at the time when he was called out, and at a rate of pay not less than the rate which he received before that date.

(4.) Any allowance granted out of the police fund before the *passing of this Act* in respect of a constable called out on permanent service is hereby confirmed, and may be continued for a period not exceeding *six months* from the time when it was granted, but not longer, unless it is in conformity with the requirements of this Act.

3 & 4 Vict.
c. 88. s. 27.

(5.) Where a county is divided into districts for the purposes of the County Police Act, 1840, any allowances granted in accordance with this Act shall be deemed to be general expenditure within the meaning of that Act.

53 & 54 Vict.
c. 45.

(6.) The expressions "police force" "police authority" and "police fund" have the same meanings in this Act as in the Police Act, 1890.

Application
to Scotland.

2. This Act shall apply to Scotland with the substitution of the Police (Scotland) Act, 1890, for the Police Act, 1890, and of the Police (Scotland) Act, 1857, for the County Police Act, 1840.

Short title.

3. This Act may be cited as the Police Reservists (Allowances) Act, 1900.

Police Reservists (Allowances).

A

B I L L

To authorise the grant out of Police Funds of certain Allowances and Gratuities in respect of Police Reservists who are called out on Permanent Service.

(*Prepared and brought in by
Secretary Sir Matthew White Ridley and
Mr. Jesse Collings.*)

*Ordered, by The House of Commons, to be Printed,
19 February 1900.*

PRINTED BY HYBE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
HYBE and SPOTTISWOODE, East Harding Street, Fleet Street, E.C.,
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JOHN MARRING & CO., 13, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODDER, FISHER, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 91.]

A
B I L L

TO

Amend the Poor Relief (Ireland) Acts, 1838 to 1892, with A.D. 1900.
respect to relief given by the maintenance of Lunatics
and Children, and with respect to the quantity of Land
which may be acquired under those Acts.

BE it enacted by the Queen's most Excellent Majesty, by
and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled,
and by the authority of the same, as follows :—

- 5 1. Section nine of the Poor Relief (Ireland) Act, 1847 (which 10 Vict.
c. 31. s. 9.
not to have
effect in case
of children
and lunatics.
prohibits the giving of relief from the poor rates of a union to a
person not within the union), shall not have effect in the case of
relief given by the maintenance of a child or lunatic outside the
union to which the expenses of the relief are chargeable.
- 10 2. Any limit contained in the Poor Relief (Ireland) Acts, 1838 Power to
exceed limit
of quantity
of land which
may be ac-
quired.
to 1892, with respect to the quantity of land which may be acquired
under those Acts may, in any special case where the Local
Government Board certify that it is expedient, be exceeded.
- 20 3. This Act may be cited as the Poor Relief (Ireland) Act, 1900, Short title
and con-
struction.
and shall be construed as one with the Poor Relief (Ireland) Acts,
1838 to 1892, and those Acts and the Pauper Children (Ireland)
Act, 1898, and this Act may be cited collectively as the Poor
Relief Ireland Acts, 1838 to 1900.

Poor Relief (Ireland).

A

B I L L

To amend the Poor Relief (Ireland) Acts, 1838 to 1892, with respect to relief given by the maintenance of Lunatics and Children, and with respect to the quantity of Land which may be acquired under those Acts.

(*Prepared and brought in by*
Mr. Gerald Balfour and
Mr. Attorney-General for Ireland.)

Ordered, by The House of Commons, to be Printed,
21 June 1900.

PRINTED BY RYEB AND SPOTTISWOOD,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
And to be purchased, either directly or through any Bookseller, from
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JOHN MERRIES & CO., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGKIN, FRIGGS, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 3d.*]

[Bill 261.]

A
B I L L

TO

Amend the Law relating to the Removal of Paupers A.D. 1900.
from England to Ireland.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 **1.**—(1.) A person who has resided continuously for *five years* in England shall not thereafter be removable to Ireland under the Acts relating to the relief of the poor. Restriction
on removal
of paupers
from
England to
Ireland.
- 10 (2.) In cases where under the Acts relating to the relief of the poor a pauper is removable from England to Ireland, boards of guardians may make and give effect to agreements that the pauper, instead of being removed, shall be maintained by the board of guardians of the poor law union from which he is removable at the expense of the board of guardians of the union to which, if removed, he would be chargeable; and such agreements may be
- 15 entered into whether application for a warrant of removal has been made or not.

2. This Act may be cited as the Poor Removal Act, 1900.

Short title.

Poor Removal.

A

B I L L

To amend the Law relating to the
Removal of Paupers from England
to Ireland.

(*Prepared and brought in by*
Mr. T. W. Russell, Mr. Chaplin, and
Mr. Attorney-General for Ireland.)

Ordered, by The House of Commons, to be Printed,
9 April 1900.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
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JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 176.]

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Enable Her Majesty's Postmaster-General to acquire
Lands in London, Bristol, Ilford, Sheffield, and
Southampton, for the Public Service, and for other
purposes. A.D. 1900.

WHEREAS further accommodation for the purposes of the
public service is required by the Postmaster-General in
London, Bristol, Ilford, Sheffield, and Southampton, and it is
expedient that he be empowered to acquire certain lands and
5 buildings in those places for the purposes aforesaid, and to erect
buildings on any lands so acquired :

And whereas the objects aforesaid cannot be effected without the
authority of Parliament :

And whereas plans showing the respective lands to be acquired by
10 the Postmaster-General for the purposes of the public service, under
the authority of this Act, with books of reference containing the
names of the owners or reputed owners, lessees or reputed lessees, and
of the occupiers of the lands which may be taken compulsorily under
this Act, have been deposited with the respective clerks of the
15 peace for the city and county of London, and for the city and county
of Bristol, and for the counties of Gloucester and Essex, the West
Riding of the county of York, and the county of Hants, which
plans and books of reference are in this Act respectively
referred to as "the deposited plans" and "the deposited books of
20 reference" :

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled,
and by the authority of the same, as follows :

[Bill 274.]

A

A.D. 1900.

Incorporation of
8 & 9 Vict.
c. 18;
23 & 24 Vict.
c. 106; and
32 & 33 Vict.
c. 18, &c.

1. The Lands Clauses Acts are, subject to the provisions of this Act, incorporated with this Act, with the following exceptions and modifications, viz. :—

- (a.) The provisions relating to the sale of superfluous land and access to the special Act, and section one hundred and thirty-three of the Lands Clauses Consolidation Act, 1845 (relating to land tax and poor rate), shall not be incorporated with this Act. 5
- (b.) In the construction of this Act and the Lands Clauses Acts, this Act shall be deemed to be the special Act, and the Postmaster-General shall be deemed to be the promoter of the undertaking. 10
- (c.) The bond required by section eighty-five of the Lands Clauses Consolidation Act, 1845, shall be under the corporate seal of the Postmaster-General, and shall be sufficient without the addition of the sureties in the said sections mentioned. 15
- (d.) All claims for compensation made upon the Postmaster-General under this Act, or any Act incorporated herewith, shall, if the person claiming has no greater interest in the land in respect of which compensation is claimed than as tenant from year to year, or as a leaseholder for any term of which not more than *eighteen months* remain unexpired at the time at which the claim is made, be determined in manner provided by section one hundred and twenty-one of the Lands Clauses Consolidation Act, 1845. 25

Power to
acquire
lands.

2. Subject to the provisions of this Act, it shall be lawful for the Postmaster-General to purchase and acquire for the purposes of this Act, all or any of the lands shown on the deposited plans and described in the deposited books of reference.

Any lands acquired by the Postmaster-General for the purposes of the public service, under the authority of this Act, shall be vested in and be held by him in his corporate capacity, on behalf of Her Majesty, her heirs and successors, for the service of the Post Office. 30

Correction of
errors, &c.

3. If any omission, mis-statement, or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands, shown or intended to be shown on the deposited plans or described in the deposited books of reference, the Postmaster-General may apply to two justices for the correction 35

thereof, after giving *ten days* notice to the owners, lessees, or occupiers of the lands affected by the proposed correction; and if it appears to the justices that such omission, mis-statement, or erroneous description arose from mistake, they shall so certify, stating the

A.D. 1900.

5 particulars thereof, and their certificate shall be deposited as if the same had originally formed part of the deposited plans or deposited books of reference (as the case may be), and shall be kept therewith, and shall be deemed to be part thereof, and thereupon the deposited plans or deposited books of reference (as the case requires) shall be
10 deemed to be corrected according to the certificate, and the Postmaster-General may enter on, purchase, take, hold, and use the lands to which the certificate relates accordingly.

4. It shall be lawful for the Postmaster-General and for his surveyors, officers, and workmen, at all reasonable times in the
15 daytime, to enter into and upon any of the lands shown on the deposited plans, and described in the deposited books of reference, for the purpose of surveying or valuing such lands, on giving for the first time *twenty-four hours*, and afterwards from time to time twelve hours previous notice in writing to the owners or occupiers
20 thereof.

Power to
Postmaster-
General to
enter lands
for the
purpose of
surveying.

5.—(1.) It shall be lawful for the Postmaster-General to pull down and remove all or any buildings erected on any lands shown on the deposited plans which are purchased by him, and on the lands so purchased to construct buildings and works for the service
25 of the Post Office, and to make such approaches and widening and alterations of thoroughfares, and do all such other things as in his opinion are necessary or expedient for the execution of any of the purposes of this Act.

Power to
erect build-
ings and
form roads.

(2.) The Postmaster-General (with the consent of the Treasury)
30 and any local authority may enter into contracts and agreements with reference to the formation, diversion, or alteration of streets and highways within the towns and places to which this Act refers and with reference to a sale, lease, or exchange of land therein, and may make money payments in respect thereof.

35 6.—(1.) The Postmaster-General may divert, alter, and stop up any street, roadway, or passage, within the limits of any of the lands shown on the deposited plans, so soon as such lands are acquired by him: And in particular so soon as the Postmaster-General has purchased or acquired the lands situate in the parishes
40 of Saint Mary, Whitechapel, and Saint Saviour, Southwark, in the

Diversion,
&c. of
streets, and
extinction of
rights of
laying pipes
and other
casements.

A.D. 1900. county of London, respectively, which are shown on the deposited plans relating to those parishes respectively, and are described in the deposited books of reference thereto, he may divert and alter or stop up and close the public passages known as Raven Place, Whitechapel, and Pavours Place, Southwark, respectively. 5

(2.) Nevertheless, nothing in this Act shall authorise the Postmaster-General to stop up or close the public passage or footway between Lombard Street and King William Street, known as Post Office Court in the City of London.

(3.) All rights of way, rights of laying down or continuing pipes, 10 sewers, or drains, on, through, or under any of the lands shown on the deposited plans, and all other public or private rights or easements in over or relating to such lands or any part thereof, shall, as from the date of the acquisition by the Postmaster-General of such lands respectively, be extinguished, and all the soil of those ways 15 and the property in such pipes, sewers, or drains shall be vested in the Postmaster-General in such capacity and for such purpose as aforesaid.

(4.) Any person may recover from the Postmaster-General such compensation (if any) as he may be entitled to under the 20 provisions of the Lands Clauses Acts for any private rights or private property, of which he may be deprived in pursuance of this section, the amount of such compensation to be determined in manner provided by the Lands Clauses Acts, or the Postmaster-General may, at his discretion, grant rights and easements in lieu 25 of any rights or easements extinguished under this Act, and in substitution for money payments or other considerations, and if any person is dissatisfied with the exercise of such power, he may proceed in the manner prescribed by the Lands Clauses Acts in relation to the injurious affecting of lands. 30

For protection of Corporation of City of London.

7. When any of the works to be executed by virtue of this Act shall pass over, under, or by the side of, so as to damage or interfere with, any sewer, drain, watercourse, defence, or works under the jurisdiction of the Corporation of the City of London, or with any sewers or works to be made or executed by the said Corporation, 35 such works so to be executed by the Postmaster-General in pursuance of this Act shall be so carried out under the following conditions:—

(1.) Before commencing such works the Postmaster-General shall give the engineer or surveyor of the said Corporation twenty- 40 eight days notice in writing of his intention to commence such

works, and with such notice shall be left a plan and section showing the course and inclination of such proposed works. A.D. 1900.

(2.) In case the Corporation shall require any alteration to be made therein they shall give before the expiration of the said twenty-eight days written notice of such requirement to the Postmaster-General, and the Postmaster-General shall, subject to the provisions herein-after stated with respect to arbitration, comply therewith.

(3.) The alterations so required by the said Corporation shall be executed by or under the superintendence and control of the engineer or surveyor or other officer of the said Corporation.

(4.) All reasonable costs, charges, and expenses which the Corporation may be put to or incur in the execution of such alterations shall be paid to the said Corporation by the Postmaster-General.

(5.) In case of disputes between the Postmaster-General and the said Corporation, either as to the alterations required by such Corporation or as to the costs, charges, and expenses of such alterations, or any other matter or thing relating thereto, the same shall be settled by an arbitrator to be agreed upon by the Postmaster-General and the said Corporation, or, failing such agreement, by an arbitrator to be appointed by the Board of Trade.

(6.) Any works, whether altered or substituted, or any defence connected with such works, whether altered or substituted, shall be as fully and completely under the jurisdiction and control of the said Corporation as any sewers or works now are.

8. The Postmaster-General shall not break up or disturb any street or place, other than a street or place which he is authorised by this Act to stop up, or the pavement thereof, under the control or direction of the Corporation of the City of London, unless at least twenty-eight days previous notice in writing of his intention so to do, specifying the street, place, or pavement intended to be broken up or disturbed, be given to the engineer or surveyor of such Corporation, or left for him at his office or at the office of such Corporation, and the Postmaster-General shall attend to the directions of such engineer or surveyor with a view to secure a free passage of traffic in such streets and places, and to prevent needless injury to the street, and shall not open more of such streets or places at one time than such engineer or surveyor shall in writing authorise, and when the Postmaster-General shall break up

For the protection of the streets of the city of London.

A.D. 1900. — or disturb any such street, place, or pavement, he shall, so soon as the works affecting it are completed, and at the furthest within three months or such extended period as may be agreed upon between the Postmaster-General and such Corporation, from the day on which those works were begun, restore the street, place, or 5 pavement to as good a condition as it was in when it was broken up or disturbed, under the superintendence and to the reasonable satisfaction of the engineer or surveyor of the Corporation, and the Postmaster-General shall save harmless and keep indemnified the said Corporation and their successors against any expenses 10 consequent on any such works: Provided always, that in the event of difference arising between the Postmaster-General and the Corporation as to any matter or thing in this clause contained, the same shall be determined by an arbitrator to be mutually agreed upon, or, failing such agreement, by an arbitrator to be 15 named by the Board of Trade.

Time for compulsory purchase.

9. The limit of time for the compulsory purchase of lands under this Act shall be three years.

Owner of certain property may be required to sell part only of lands and buildings.

10. And whereas a portion only of the property situate in the parish of Saint Mary, Whitechapel, and numbered 5 on the 20 deposited plan relating to lands in that parish, will be sufficient for the purposes of the Postmaster-General, and the Postmaster-General alleges that such portion or some other portion less than the whole can be severed from the remainder of the said property without material detriment thereto: Therefore, notwithstanding section ninety-two 25 of the Lands Clauses Consolidation Act, 1845, the owners of and all other persons interested in the said property whereof part only is required for the purposes of this Act, may, if such portion can, in the opinion of the jury, arbitrators, or other authority to whom the question of disputed compensation shall be submitted, be severed 30 from the remainder of such property without material detriment thereto, be required to sell and convey to the Postmaster-General the portion only of the premises so required, without the Postmaster-General being obliged or compellable to purchase the whole, or any greater portion thereof, the Postmaster-General paying for 35 the portion required by him, and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

For the protection of the London

11. If the Postmaster-General should at any time hereafter desire to abandon the land numbered one on the deposited plan 40 relating to the Southampton new post office, he shall in the first

instance offer the same for sale to the London and South-Western Railway Company (herein-after called the South-Western Company), and the following provisions shall thereupon apply :—

A.D. 1900.
and South-
Western
Railway
Company.

(a.) If the South-Western Company are desirous of purchasing such land, then, within six months after such offer for sale, they shall signify in writing their desire in that behalf to the Postmaster-General.

(b.) If they decline such offer, or if for six weeks they neglect to signify their desire to purchase such land, the right of purchase conferred by this Act shall cease and a declaration in writing made before a justice of the peace by a secretary to the Post Office stating that such offer was made and was refused or not accepted for six weeks from the time of making the same shall be in all courts sufficient evidence of the facts therein stated.

(c.) If the South-Western Company be desirous of purchasing the land and the Company and the Postmaster-General do not agree as to the price thereof, then such price shall be ascertained by arbitration in accordance with the provisions of the Arbitration Act, 1889, or any statutory re-enactment or modification thereof.

(d.) Upon any such sale the South-Western Company shall not require any proof of the title of the Postmaster-General to the said land.

12.—(1.) Any land tax assessed on the first day of January one thousand nine hundred on any part of any of the lands shown on the deposited plans, and described in the deposited books of reference shall, as from the date of the purchase or acquisition by the Postmaster-General of the lands on which it is assessed, be deemed to have been redeemed at the price, and in accordance with the conditions provided by the Finance Act, 1896, and the Land Tax Acts therein defined, and from and after such date no sum shall be assessed or charged in respect of land tax on any part of such lands.

Land tax.

(2.) The Commissioners of Inland Revenue shall grant a certificate of exoneration from assessment to land tax, of any lands purchased or acquired by the Postmaster-General under this Act, and that certificate shall be registered by the officer appointed for the registry of contracts for the redemption of land tax.

59 & 60 Vict.
c. 28.

13.—(1.) No purchase shall be made by the Postmaster-General under the authority of this Act without the sanction of the Treasury.

Sanction of
Treasury
required to
purchase
under this
Act.

(2.) Any such sanction may be given either generally or in respect of any particular purchase, contract, or agreement, and a

A.D. 1900. vendor to, or purchaser from, or person contracting with, the Postmaster-General shall not be bound or entitled to inquire whether such sanction has been given.

Act to be carried out by means of moneys provided by Parliament.

14. All moneys payable by the Postmaster-General with respect to the purchase and acquisition of lands under this Act, and all costs, charges, and expenses incurred by the Postmaster-General in or connected with the carrying into effect of the provisions of this Act, shall be paid out of moneys provided by Parliament. 5

Short title. 15. This Act may be cited as the Post Office (Sites) Act, 1900.

Post Office Sites.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To enable Her Majesty's Postmaster-General to acquire Lands in London, Bristol, Ilford, Sheffield, and Southampton, for the Public Service, and for other purposes.

(Prepared and brought in by
Mr. Hanbury and Mr. Aher-Douglas.)

Ordered, by The House of Commons, to be Printed,
2 July 1900.

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[Price 1d.]

[Bill 274.]

Professional Accountants Bill.

MEMORANDUM.

The object of this Bill is to complete the organisation of the profession of accountant throughout the United Kingdom on lines similar to the legal and medical and other professions, and for this purpose to establish a uniform standard of apprenticeship examinations and admissions throughout the United Kingdom.

By the establishment of a register it is proposed to recognise only qualified accountants and to debar unqualified persons from practising.

The Council sought to be set up will also exercise disciplinary powers which will secure the public against the risk of employing unqualified or untrustworthy persons in the confidential relations of an accountant.

It has been intended to make the Council representative of the principal societies of accountants now existing in Great Britain and Ireland.

▲

B I L L

TO

Provide for the better Organisation of Professional
Accountants.

A.D. 1900.
—

WHEREAS it is expedient to provide for the registration of persons publicly practising as accountants in the United Kingdom so as to distinguish qualified from unqualified persons, and otherwise to amend the law as to persons so practising :

5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the Accountants Act, 1900.

Short title.

10 2. After the *passing of this Act* no person shall describe himself as an accountant, or as a public accountant, or use any name, title, addition, or description or letters indicating that he is an accountant by profession or a public accountant, whether by advertisement, by description in or at his place of business or
15 residence, by any document or otherwise, unless he is registered as a public accountant in pursuance of this Act: Provided always that this section shall not prevent any person employed exclusively at a salary on accounts and not carrying on business on his own account from describing himself as "an accountant" in respect of,
20 or in relation to, his occupation.

Restriction
of the use of
title of
public or
professional
accountant.

3. No person shall describe himself as a member, or fellow, or associate, or student of any of the corporations, institutions, or societies mentioned in section six of this Act, or use any name, title, addition, or description or letters indicating that he is a
25 member, or fellow, or associate, or student of any such corporation, institution, or society, whether by advertisement, by description in or at his place of business or residence, by any document or otherwise, unless he be a member, or fellow, or associate, or student of such corporation, institution, or society respectively.

Restriction
of the use of
the title of
member, or
fellow, or
associate, or
student of
certain
bodies.

[Bill 112.]

A

A.D. 1900.
Provisional
Council.

4. Upon the *passing of this Act* there shall be formed a provisional council called "the Provisional Council of Accountants in the United Kingdom," consisting of five members of the Institute of Chartered Accountants in England and Wales, four members of the Society of Accountants and Auditors, ~~one~~ ^{one} member of the Society of Accountants in Edinburgh, one member of the Institute of Accountants and Actuaries in Glasgow, one member of the Society of Accountants in Aberdeen, one member of the Scottish Institute branch of the Society of Accountants and Auditors, and two members of the Institute of Chartered Accountants in Ireland, all elected by the councils of the respective societies within *two months* after the passing of this Act, along with not more than three accountants in public practice in the United Kingdom who may be appointed by the President of the Board of Trade. The Provisional Council shall meet at such time and place not later than *three months* from the passing of this Act as may be fixed by the President of the Board of Trade. The Provisional Council shall at said meeting elect a chairman and vice-chairman. In the absence of such chairman or vice-chairman at any meeting the members of Provisional Council present shall elect one of their number to preside. The Provisional Council shall at such first meeting appoint a clerk, who shall be paid such salary or receive such other remuneration as the Provisional Council may appoint. The Provisional Council may meet at such times and places as it may fix by any resolution or as may be fixed by the chairman, or in the event of his illness or other incapacity by the vice-chairman. The Provisional Council shall have power to appoint committees.

Registrar.

5. The clerk to the Provisional Council and afterwards the clerk to the Permanent Council shall be registrar, and shall, subject to such directions as may from time to time be given by the Provisional or Permanent Council, as the case may be, enter qualified persons on the register.

Qualification
of public
accountant
at the date
of passing
of this Act.

6. Every person shall be entitled to be registered as a public accountant in pursuance of this Act who proves to the satisfaction of the Provisional Council within *twelve months* next after the *passing of this Act* that at the date of the *passing of this Act* he was bonâ fide practising as a public accountant, or was a member of the Institute of Chartered Accountants in England and Wales, or a member of the Society of Accountants and Auditors (Incorporated), or a member of the Society of Accountants in Edinburgh, or a member of the Institute of Accountants and Actuaries in Glasgow, or a member of the Society of Accountants in Aberdeen,

or a member of the Institute of Chartered Accountants in Ireland. A.D. 1900.
The word member shall not include a student member.

7. If any person shall knowingly describe himself in contra-
vention of sections two or three of this Act, he shall be liable on
5 every summary conviction to a fine not exceeding *twenty pounds*. Penalty.

8. After the *passing of this Act* no person, except as aforesaid, shall be entitled to be registered as a public accountant until he shall have passed the examinations to be from time to time prescribed by the Provisional Council or by the Permanent Council,
10 as the case may be, and he shall have been admitted a member of one or other of the corporations, institutions, or societies mentioned in section six of this Act. Qualification of public accountants after passing of this Act.

9. A prosecution under this Act may be instituted by the Provisional Council or by the Permanent Council, but shall not be
15 instituted by a private person without the consent of the Council. Restriction on prosecution.

10.—(1.) The registrar shall from time to time insert in the register any alteration which may come to his knowledge in the name or address or description of any person registered. Correction of register.

(2.) The registrar shall remove from the register the names of
20 all persons who have died or have ceased to practise and have requested him to remove their names, and of all persons whose names the Provisional or Permanent Council may as herein-after provided direct to be removed from the register.

(3.) Where the registrar has reason to think that any person has
25 ceased to practise, the registrar may send by post to such person a notice inquiring whether or not he has ceased to practise or has changed his residence, and if the registrar does not within *three months* after sending the notice receive any answer thereto from such person, the registrar may, within *fourteen days* after the
30 expiration of the *three months* send him by registered letter another notice referring to the former notice, and stating that no answer has been received, and if the registrar does not within *one month* after sending the second notice receive any answer thereto, such person shall, for the purposes of this section, be deemed to have
35 ceased to practise, and his name may be removed accordingly.

11. There shall be payable to the Provisional or Permanent Council, as the case may be, by every accountant upon registration
the sum of Registration fee.

12. The Provisional or Permanent Council, as the case may be,
40 may remove from the register any name which has been erroneously Removal or suspension.

A.D. 1900. or fraudulently entered therein, or the name of any person who is proved to the satisfaction of the Council to have been guilty of any crime or fraud, or to have been guilty of any act or conduct discreditable to a professional accountant. The Council may also suspend for any period not exceeding *two years* from all the rights, 5 privileges, or benefits pertaining to an accountant registered under this Act any such accountant who is proved to the satisfaction of the Council to have been guilty of any act or conduct discreditable as aforesaid.

Restoration. 13. The Provisional or Permanent Council may at any time by 10 resolution direct that the name of any person be restored to the register.

Reference to Court of resolution of removal. 14. Where the Provisional or Permanent Council refuse to register the name of a person applying for registration under this Act or resolve to remove the name of any person from the register, 15 or refuse to restore the name of any person to the register they shall, if required by the person affected, within *six months* after notice to him of the decision of the Provisional or Permanent Council, as the case may be, report their resolution and the grounds thereof to the High Court. Thereupon the Court may make an 20 order allowing or disallowing the resolution either absolutely or subject to such conditions (if any) as to time or otherwise as the Court may think fit, and the resolution shall have effect so far only as is allowed by the Court.

Publication of register and evidence of registration. 15. The Provisional Council and thereafter the Permanent 25 Council shall cause correct copies of the register, as at the *first day of October* in each year, to be printed, and with the names alphabetically arranged, and published and sold at *one shilling* for each copy. A copy of the register purporting to be printed and published in pursuance of this Act shall be evidence in all cases 30 (until the contrary may be made to appear) that the persons therein named are on the register, and the absence of the name of any person from such copy shall be evidence (until the contrary may be made to appear) that such person is not on the register. In the case of any person whose name does not appear in such copy, a 35 copy certified under the hand of the registrar of the entry of the name of such person in the register shall be evidence that such person is on the register.

Funds. 16. The Provisional Council and thereafter the Permanent Council may appoint a treasurer to receive on behalf of such 40 Councils all moneys payable thereto under this Act, and to disburse all payments to be made under this Act. He shall perform his

duties subject to the direct control of the Provisional Council and thereafter the Permanent Council, or of any finance committee elected thereby. He shall receive such salary or other remuneration as the Provisional Council and thereafter the Permanent Council
 5 may from time to time fix. The Provisional Council and thereafter the Permanent Council may from time to time invest in such securities as they may approve any funds in their hands. A.D. 1900.

17. The Provisional Council shall forthwith frame rules and regulations for regulating the preliminary examinations or equivalents thereto which shall be passed by every apprentice prior to his entering upon indenture under this Act, the intermediate examination, and the final examination of apprentices. Any person who has passed an examination of any of the bodies mentioned in section six of this Act shall be deemed to have passed a similar
 15 examination under this Act. Duties of Provisional Council.

18. On such day of the month of *January one thousand nine hundred and two* as the Provisional Council shall appoint there shall be established a Permanent Council of Accountants in the United Kingdom, which shall be a body corporate with perpetual succession and the right to use a common seal, to sue and be sued in its corporate capacity, and with a capacity to hold lands for the purposes of this Act. The Permanent Council shall in the first instance consist of the Provisional Council with nine members added, to be elected as follows, two members of the Institute of Chartered Accountants in England and Wales, one member of the Society of Accountants and Auditors, one member of the Society of Accountants in Edinburgh, one member of the Institute of Accountants and Actuaries in Glasgow, one member of the Society of Accountants in Aberdeen, one member of the Scottish Institute branch of the Society of Accountants and Auditors, one member of the Institute of Chartered Accountants in Ireland, and one accountant in public practice in the United Kingdom, who may be appointed by the President of the Board of Trade. At the end of the first year after the establishment of the Permanent Council one-half of the
 35 members representing the Provisional Council shall retire (the members so to retire being selected by agreement, or that failing, by ballot) and their places shall be filled by nine persons elected in the same manner, and from the same bodies as in the case of the election last above mentioned. At the end of the second year the
 40 second half of the members of the Provisional Council shall retire, and their places shall be filled by nine persons elected as in the case of the election at the end of the first year. And thenceforth Constitution of Permanent Council.

A.D. 1900. in each year one-third of the members of the Permanent Council shall retire according to seniority, and their places shall be filled in the same manner as in the above-mentioned elections. All such elections shall take place in the month of January.

Transferen^{ce}
to the
Permanent
Council of
powers
vested in the
Provisional
Council, and
meetings of
Permanent
Council.

19. To the Permanent Council shall be transferred as, at, and 5
from the said *first day of January* happening not less than *twelve*
months after the passing of this Act, all the powers herein-before
vested in the Provisional Council, in so far as the same may not
already have been exhausted, and to the Permanent Council shall also
be transferred all moneys received by the Provisional Council in 10
virtue of this Act, after deducting all expenses duly charged by
the Provisional Council and certified by the auditor or auditors.
The Permanent Council shall meet at such time and place as they
shall from time to time fix. At the first of such meetings in each
year the Permanent Council shall appoint a chairman and vice- 15
chairman. In the absence of such chairman or vice-chairman at
any meeting the members of Permanent Council present shall elect
one of their number to preside. The Permanent Council shall also
at such first meeting in each year appoint a clerk, who shall
be paid such salary or receive such other remuneration as the 20
Permanent Council may fix. The Permanent Council shall have
power to appoint committees.

Quorum.

20. At all meetings of the Provisional Council nine members, and
of the Permanent Council twelve members, shall form a quorum,
and at all meetings of committees five shall form a quorum. 25

Accounts to
be prepared
and pub-
lished.

21. All moneys received under this Act shall be applied ex-
clusively to the purposes of this Act. The Provisional Council and
thereafter the Permanent Council shall make up as at the *first day*
of December in each year accounts of all moneys so received and
expended. An abstract of such accounts shall be printed, published, 30
and sold along with and as part of the copies of the register
prescribed by this Act.

22. Whenever it is provided by any Act of Parliament that any
duties thereunder shall be performed by a public or professional
accountant (whether under any special description or of any 35
particular class or otherwise), such accountant shall, unless other-
wise expressly provided, be deemed to mean a person registered
under this Act, and any such duties may be performed by a person
so registered.

Definitions.

23. The "High Court" shall in England and Ireland mean the 40
High Court of Justice, and in Scotland the Court of Session.

Professional Accountants.

A

B I L L

To provide for the better Organisation
of Professional Accountants.

(*Prepared and brought in by*
Mr. Tomlinson, Mr. Schumann, Sir Albert Rollit,
Mr. John Wilson (Govan), Mr. J. H. M. Campbell,
and Mr. William Field)

Ordered, by The House of Commons, to be Printed,
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[*Price 1½d.*]

[Bill 112.]

A

B I L L

INTITULED

An Act to amend the Law relating to the Exportation of Arms, Ammunition, and Military and Naval Stores. A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 5 1. It shall be lawful for Her Majesty by proclamation to prohibit the exportation of arms, ammunition, and military and naval stores, to any country or place therein named, whenever Her Majesty shall judge such prohibition to be expedient in order to prevent such arms, ammunition, military or naval stores, being used
10 against Her Majesty's subjects or forces, or against any forces engaged or which may be engaged in military or naval operations in co-operation with Her Majesty's forces.

Power to prohibit exportation of arms, &c.

- 2.—(1.) This Act shall be read as one with the Customs and Inland Revenue Act, 1879, and all the provisions of that Act, so far as they are applicable to the exportation of prohibited goods, shall apply as if they were embodied in this Act, and as if section one of this Act were part of section eight of that Act.

Construction and short title.
42 & 43 Vict. c. 21.

(2.) This Act may be cited as the Exportation of Arms Act, 1900.

[Bill 314.]

THE UNIVERSITY OF CHICAGO PRESS

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Prohibition of
Exportation of Arms.
[H.L.]

A

B I L L

INTITULÉD

An Act to amend the Law relating to
the Exportation of Arms, Ammu-
nition, and Military and Naval Stores.

(*Brought from the Lords 26 July 1900.*)

*Ordered, by The House of Commons, to be Printed,
26 July 1900.*

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90, West Nile Street, Glasgow; or
HODGKIN, FRIGGIE, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 4d.*]

[Bill 314.]

Public Health Bill.

MEMORANDUM.

The object of this Bill is to ensure that none but properly qualified men should be appointed as sanitary inspectors, and to give them the same amount of security in their tenure of office as prevails in Scotland.

The Public Health (London) Act, 1891, s. 108, extends powers to the Local Government Board to regulate the qualification, appointment, duties, salary and tenure of office of sanitary inspectors in the metropolis; recites qualifications necessary in candidates for appointments as medical officers of health and sanitary inspectors; and further provides that a medical officer of health shall not be appointed for a limited period only; this latter provision not applying to sanitary inspectors.

Whilst the officer in the metropolis is named by law "sanitary inspector," the same officer outside London is named by law "inspector of nuisances." This is an anomaly and leads to confusion.

A sanitary inspector's duties, as defined by the Local Government Board, include :—

- (a.) Systematic inspection of his district for the discovery of nuisances or insanitary conditions.
- (b.) Serving of notices on offenders against the Acts.
- (c.) Instituting and carrying on legal proceedings against offenders.
- (d.) Procuring samples for analysis under Sale of Food and Drugs Acts, and instituting and carrying on legal proceedings against offenders.
- (e.) The same in respect of "Margarine Acts," "Sale of Horse-flesh Acts," &c.
- (f.) Examination of premises and inspection of food exposed or deposited for sale, or in preparation for sale for the food of man, seizing unsound food found thereon, and prosecuting offenders.
- (g.) The sanitary inspection of factories, bakehouses, laundries, &c.
- (h.) Instituting and carrying on all necessary proceedings for the prevention of smoke nuisances or the abatement thereof.
- (i.) Supervision of works ordered by the sanitary authority for the abatement of general nuisances.

[Bill 100.]

A

Sanitary authorities are in great part composed of builders, property owners, shopkeepers, manufacturers, &c., and they have the power legally to (a) dismiss, or (b) (in case of appointments for a limited period) decline to re-appoint sanitary inspectors.

Sections 189-190 of the Public Health Act, 1875, enable urban and rural sanitary authorities to appoint sanitary inspectors on such conditions as to qualifications and tenure of office, &c., as they deem fit. As a result, men are appointed to these important posts absolutely without qualifications or previous experience, and altogether unfitted for and unable to properly perform the many and, in some cases, highly technical duties required of sanitary inspectors under the several Acts of Parliament passed with a view to safeguard the health of the nation.

Inspectors are frequently appointed for short periods (usually 12 months), and may be dismissed on short notice, or lose their appointments by the councils whom they serve failing to re-elect them. It is not incumbent on the councils to give any reason (a) why their inspectors have been given notice to terminate their appointments, or (b) in the case of appointments for limited periods) their reasons for failing to re-appoint them. An inspector has no right of appeal to a higher authority.

Public Health Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Extent of Act.
3. Definitions.

Appointment and Tenure of Office.

4. Tenure of office and qualification of sanitary inspectors.
 5. Application of section four to existing inspectors.
 6. An inspector holding office in two or more districts.
-

A

B I L L

TO

Amend the Law as to the Qualifications and Tenure of A.D. 1900.
Office of Sanitary Inspectors, and to make other
relative provisions.

BE it enacted by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled,
and by the authority of the same, as follows:—

5 1. This Act may be cited as the Public Health (Sanitary Short title.
Inspectors' Qualification, &c.) Act, 1900.

2. This Act shall extend to England and Wales only. Extent of
Act.

3. In this Act the following words and expressions have the Definitions.
meanings herein-after assigned to them, unless such meaning is
10 inconsistent with the context:—

“Sanitary authority” means and includes any authority con-
stituted under any public or local Act and empowered by law to
appoint a sanitary inspector or inspector of nuisances.

15 “District” means the area within which a sanitary authority
acts.

“Inspector” includes every person appointed by a sanitary
authority to be a sanitary inspector, inspector of nuisances,
assistant sanitary inspector, assistant inspector of nuisances.

Appointment and Tenure of Office.

20 4. The Local Government Board shall have the same powers as Tenure of
office and
qualification
of sanitary
inspectors.
they have in the case of a district medical officer of a poor law
union with regard to the qualification, appointment, duties, salary
and tenure of office of every inspector.

[Bill 100.]

A.D. 1900. Provided that—

(a.) An inspector shall not be appointed for a limited period only.

(b.) An inspector appointed after the *passing of this Act* shall be removable by the sanitary authority with the consent of 5 the Local Government Board, or by that Board, but not otherwise. Provided that the Board shall take into consideration every representation made by the sanitary authority for the removal of any inspector, whether based on the general interests of the district or the conduct of 10 such inspector or on any other ground.

(c.) An inspector appointed after the passing of this Act shall (1) be the holder of a certificate of the Local Government Board, or of such body as the Local Government Board may from time to time approve, that he has by examination 15 shown himself competent for such office; or (2) have been for *three* consecutive years an inspector within the meaning of this Act.

Application
of section
four to
existing
inspectors.

5. Where an inspector holds office at the time of the passing of this Act—

20

(a) by virtue of an appointment for a limited period only or subject to a condition that he may be dismissed by notice or without notice, and has held such office for a period of not less than *two years*; or

(b) by virtue of an appointment made for a limited period, 25 and continues to hold office under the sanitary authority by which he was so appointed after the expiration of such limited period; or

(c) by virtue of an appointment made subject to a condition that he may be dismissed by notice, and continues to hold 30 office under the sanitary authority by which he was so appointed after the day when a notice of dismissal given immediately after the passing of this Act would have expired; or

(d) by virtue of an appointment made subject to a condition 35 that he may be dismissed without notice, and continues to hold office under the sanitary authority by which he was so appointed for more than three months,

such inspector shall thenceforth only be removable in the same manner as an inspector appointed after the passing of this Act.

40

6. Subject to the sanction of the Local Government Board and A.D. 1900.
to such conditions as the Board may order or approve, either An inspector
generally or in any particular case, an inspector may hold office holding
as such in any two or more districts. office in two
or more
districts.
- 5 = Every inspector shall after the commencement of this Act be
named and described as a "sanitary inspector."

Public Health.

A

B I L L

To amend the Law as to the Qualifications and Tenure of Office of Sanitary Inspectors, and to make other relative provisions.

*(Prepared and brought in by
Mr. Percy Thornton, Mr. W. Abraham,
Sir H. H. Bennrose, Colonel Chaloner,
Mr. W. O. Clough, Sir Walter Foster,
Mr. L. Athertley-Jones, Major Rasch,
and Mr. Herbert Robertson.)*

*Ordered, by The House of Commons, to be Printed,
23 February 1900.*

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JOHN MENZIES & CO., 12, Hanover Street, Edinburgh, and
30, West Nile Street, Glasgow; or
HODGESS, FRIGGS, & CO., LINTNER, 104, Grafton Street, Dublin.

[Price 1d.]

[Bill 100.]

A
B I L L

TO

Remove doubts respecting the powers of the Local Government Board for Ireland for determining the Area on which certain Expenses are to be chargeable. A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

5 1.—(1.) The Local Government Board for Ireland may, with the consent of the council of any rural district, alter any area of charge theretofore determined by Order of that Board as the area on which there should be chargeable any special expenses leviable off a contributory place in that district, either under the Public Health
10 (Ireland) Acts, 1878 to 1896, or under any enactment directing expenses to be levied as expenses under those Acts.

Power to determine area of charge in respect of certain excluded charges under 61 & 62 Vict. c. 37.

(2.) The said Board may, with such consent as aforesaid, determine that the whole rural district shall be the area on which any such expenses, whether incurred before or after the passing of this
15 Act, shall be chargeable.

2. This Act may be cited as the Public Health (Ireland) Act, 1900, and may be cited with the Public Health (Ireland) Acts, 1878 to 1896. Short title.

[Bill 191.]

**Public Health
(Ireland).**

A

B I L L

To remove doubts respecting the powers of the Local Government Board for Ireland for determining the Area on which certain Expenses are to be chargeable.

*(Prepared and brought in by
Mr. Gerald Balfour and
Mr. Attorney-General for Ireland.)*

*Ordered, by The House of Commons, to be Printed,
8 May 1900.*

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90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[Price 1s. 4d.]

[Bill 191.]

A
B I L L

TO

Amend the Licensing (Scotland) Act, 1853.

A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

5 1. In the schedule of the Licensing (Scotland) Act, 1853, the words “*Ten* of the clock in the morning” shall be substituted for the words “*Eight* of the clock in the morning.”

Opening of
licensed
premises.
16 & 17 Vict.
c. 67.

10 2. This Act shall come into operation on the *first day of January one thousand nine hundred and one*, and shall be read along with the Licensing (Scotland) Acts, 1828 to 1887, and may be cited as the Public Houses (Scotland) Later Opening Act, 1900.

Commence-
ment,
collective
and short
title.

Public Houses
(Scotland)
Later Opening.

A

B I L L

To amend the Licensing (Scotland)
Act, 1853.

(Prepared and brought in by
Colonel Denny, Mr. Heddervich, Sir William
Arrol, Mr. Colville, and Mr. McKillop.)

*Ordered, by The House of Commons, to be Printed,
2 February 1900.*

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90, West Nile Street, Glasgow; or
HODDER, FISHER, & Co., LIMITED, 104, Grafton Street, Dublin.

[Price 3d.]

[Bill 22.]

Public Libraries Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Amendment of Public Libraries Acts, 1892 and 1893.

Clause.

1. Short title and construction.
2. Qualification of library commissioners.
3. Power to library authority to make byelaws.
4. Extension of 55 & 56 Vict. c. 53.
5. Power to library authorities to make agreements for use of library.
6. Amendment of 55 & 56 Vict. c. 53. s. 16, as to expenses in parishes.
7. Application of 54 & 55 Vict. c. 22. to museum provided under principal Act.
8. Notice to Local Government Board.
9. Definition of "voter."

Application of Act in part to Scotland and Ireland.

10. Application to Scotland.
11. Application of certain provisions to Ireland.

Liability of Library Managers for Libel.

12. Exemption of library managers from liability in certain cases.

Application of the Museums and Gymnasiums Act, 1891, and Public Libraries (Amendment) Act, 1893, to London.

13. Application to London of 54 & 55 Vict. c. 22. and 56 & 57 Vict. c. 11.

Repeal.

14. Repeal.

SCHEDULE.

A
B I L L

INTITULED

An Act to amend the Acts relating to Public Libraries, Museums, and Gymnasiums, and to regulate the Liability of Managers of Libraries to Proceedings for Libel. A.D. 1900.

[NOTE.—*The words enclosed in brackets and underlined are proposed to be inserted in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

5 *Amendment of Public Libraries Acts, 1892 and 1893.*

1. This Act may be cited as the Public Libraries Act, 1900, and shall be construed as one with the Public Libraries Act, 1892 (herein-after referred to as the principal Act), and the Public Libraries (Amendment) Act, 1893, and those Acts and this Act may
10 be together cited as the Public Libraries Acts, 1892 to 1900.

Short title
and construc-
tion.
55 & 56 Vict.
c. 53.
56 & 57 Vict.
c. 11.

2.—(1.) Any commissioners appointed for a library district under the principal Act may be either voters in the district or persons who, though not voters, would if the district were a rural parish having a parish council be qualified for election as parish councillors.

Qualifica-
tion of
library com-
missioners.

15 (2.) Section forty-six of the Local Government Act, 1894, relating to disqualifications for election to or membership of certain authorities, shall have effect as if a library authority being a body of commissioners appointed under the principal Act were one of the authorities mentioned in that section.

56 & 57 Vict.
c. 73.

20 3.—(1.) A library authority may make byelaws for all or any of the following purposes relating to any library, museum, art gallery, or school which by virtue of the principal Act or this Act is under their control, that is to say:

Power to
library
authority to
make bye-
laws.

(a) for regulating the use of the same and of the contents thereof, and for protecting the same and the fittings, furniture, and contents thereof from injury, destruction, or misuse;

[Bill 245.]

A 2

A.D. 1900. (b) for requiring from any person using the same any guarantee or security against the loss of or injury to any book or other article.

(c) for enabling the officers and servants of the library authority to exclude or remove therefrom persons committing any offence 5
61 & 62 Vict. against the Libraries Offences Act, 1898, or against the
c. 53. byelaws.

(2.) All byelaws under this section shall be made subject and according to the provisions respecting byelaws contained in sections one hundred and eighty-two to one hundred and eighty-six of the 10
38 & 39 Vict. Public Health Act, 1875, and those sections shall apply as if the
c. 55. expression "local authority" therein included in every case a library authority.

(3.) All offences and penalties under any such byelaw may be prosecuted and recovered in manner provided by the Summary 15
Jurisdiction Acts.

Extension of 4. The Libraries Offences Act, 1898, shall apply to any museum, 55 & 56 Vict.
c. 53. art gallery, or school provided under the Public Libraries Act, 1892.

Power to library authorities to make agreements for use of library. 5.—(1.) The library authorities of two or more library districts may agree [to share in such proportions and for such period as may 20
be determined by the agreement the cost of the purchase, erection,
repair, and maintenance of any library building in one of those
districts, and also the cost of the purchase of books and news-
papers for such library, and all other expenses connected with
the same, and may also agree] as to the management and use of 25
the library, and as to the interchange, hire, and use of books and newspapers belonging to such authorities respectively.

(2.) This section shall apply, with the necessary modifications, to a museum, school for science, art gallery, or school for art, in like manner as to a library. 30

Amendment of 55 & 56 Vict. c. 53. s. 16. as to expenses in parishes. 56 & 57 Vict. c. 73. 6. In a library district being a parish, the sanction of the parish meeting or vestry shall not be required for raising the sums from time to time due from the parish for defraying the expenses incurred by the library authority, and those sums shall be paid by the overseers on the order of the library authority: Provided that 35
nothing in this section shall affect the operation of section eleven of the Local Government Act, 1894.

Application of 54 & 55 Vict. c. 22. to 7. An urban authority for whose district the Museums and Gymnasiums Act, 1891, has been adopted, either wholly or so far as it relates to museums only, may appropriate for the purposes 40

of that Act a museum provided for the district under the principal Act, and thereupon the Museums and Gymnasiums Act, 1891, shall apply to the museum as if it were provided under that Act.

museum provided under principal Act.

8. On the adoption of the principal Act for any library district, the library authority shall forthwith give notice in writing of such adoption to the Local Government Board. The library authority of every district in which the Act has already been adopted shall give the like notice within three months after the passing of this Act.

Notice to Local Government Board.

9. In any library district every person who is a parochial elector within the meaning of the Local Government Act, 1894, shall be a voter for the purposes of the principal Act and this Act; and parochial electors shall for all the purposes of the principal Act be substituted for county electors.

Definition of "voter." 56 & 57 Vict. c. 73.

Application of Act in part to Scotland and Ireland.

10. The foregoing provisions of this Act so far as they are applicable shall extend to Scotland with the following modifications:—

Application to Scotland.

(a.) The expressions "urban district" and "urban authority," respectively, shall mean a burgh and the magistrates and council thereof; "the principal Act" shall mean the Public Libraries Consolidation (Scotland) Act, 1887; and "the Local Government Board" shall mean the Local Government Board for Scotland;

50 & 51 Vict. c. 42.

(b.) References to section fourteen of the Local Government (Scotland) Act, 1894, shall be substituted for the references to section forty-eight of the Local Government Act, 1894:

57 & 58 Vict. c. 58.

(c.) The provisions relating to the byelaws of a library authority shall not extend to Scotland.

11. The provisions of this Act enabling a library authority to make byelaws for purposes other than those relating to the Libraries Offences Act, 1898, and otherwise relating to such byelaws, shall extend to Ireland with the substitution of the Public Libraries (Ireland) Acts, 1855 to 1894, for the principal Act, and of sections two hundred and nineteen to two hundred and twenty-three of the Public Health (Ireland) Act, 1878, for sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875, and of the expression "sanitary authority" for "local authority."

Application of certain provisions to Ireland.

41 & 42 Vict. c. 52.

A.D. 1900.

Liability of Library Managers for Libel.

Exemption
of library
managers
from liability
in certain
cases.

12.—(1.) A person shall not be entitled to institute any legal proceedings against a library authority or any member, officer, or servant thereof, or against the managers of any library established otherwise than under the principal Act, in respect of libellous matter in any book kept for use in or circulation from their library, if he has not first given notice in writing to the library authority or managers stating that he has instituted or is about to institute legal proceedings against some other person on account of libellous matter contained in the book, or if after the giving of such notice the library authority or managers use all reasonable diligence for the withdrawal of the book from use in or circulation from the library. 5 10

(2.) If at the expiration of twelve months from the giving of the said notice no person has been convicted or been adjudged to pay damages on account of libellous matter in the said book, the person by whom the notice was given shall not be entitled to institute any legal proceedings against the library authority or any member, officer, or servant thereof, or against the said managers, on account of the book being used in or circulated from any such library at any time after the expiration of such twelve months and before any subsequent date at which any person is so convicted or adjudged to pay damages. 15 20

Application of the Museums and Gymnasiums Act, 1891, and Public Libraries (Amendment) Act, 1893, to London.

Applica-
tion to
London of
54 & 55 Vict.
c. 22. and
56 & 57 Vict.
c. 11.

13. The Museums and Gymnasiums Act, 1891, and the Public Libraries (Amendment) Act, 1893, shall extend to the administrative county of London, and for the purpose of such extension shall be modified as follows :— 25

The expression “urban authority” shall include the common council of the city of London, also the vestry or district board of any parish mentioned in Schedule A., or district mentioned in Schedule B. to the Metropolis Management Act, 1855, as amended by any subsequent Acts, and the expression “district” or “urban district” shall include the city of London and any such parish or district ; 30 35

18 & 19 Vict.
c. 120.

Any enactments incorporated in the said Museums and Gymnasiums Act, 1891, and Public Libraries (Amendment) Act, 1893, shall be construed to apply to every such urban authority and district.

A.D. 1900.

Repeal.

14. The Acts mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

5

SCHEDULE.

Section 14.

Session.	Short Title.	Extent of Repeal.
54 & 55 Vict. c. 22.	The Museums and Gymnasiums Act, 1891.	In section two, the words "or the " administrative county of Lon- " don."
10 55 & 56 Vict. c. 53.	The Public Libraries Act, 1892.	Section three, in so far as it is incon- sistent with this Act. Sub-section two of section eighteen, and in sub-section three of the same section the words "but the " sanction of the vestry shall not " be required for raising the sums " from time to time due from the " parish for meeting those ex- " penses." So much of section twenty-seven as relates to the definition of a " voter." The First Schedule.

10

15

20

Public Libraries. [H.L.]

A

BILL

INTITLED

An Act to amend the Acts relating to Public Libraries, Museums, and Gymnasiums, and to regulate the Liability of Managers of Libraries to Proceedings for Libel.

(*Brought from the Lords 9 April 1900.*)

*Ordered, by The House of Commons, to be Printed,
14 June 1900.*

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90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 106, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 245.]

A
B I L L

TO

Grant Money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans. A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1. Whereas the term of office of the persons who are, at the passing of this Act, Public Works Loans Commissioners under the Public Works Loans Act, 1875, will expire at the end of a period of five years from the first day of April one thousand eight hundred and ninety-six, and it is expedient to appoint Commissioners for a further period of five years ; therefore the following persons, that is to say :—

- Sir Herbert Barnard ;
 Edward Howley Palmer, Esquire ;
 Sir Thomas Salt, Baronet ;
 15 Samuel Steuart Gladstone, Esquire ;
 The Honourable Herbert Cokayne Gibbs ;
 Sir Edward Birkbeck, Baronet ;
 Edward Norman, Esquire ;
 Arthur O'Connor, Esquire, Q.C., M.P. ;
 20 The Right Honourable Lord Iveagh, K.P. ;
 The Honourable Sir Charles William Fremantle, K.C.B. ;
 The Honourable Evelyn Hubbard ;
 Basil Guy Oswald Smith, Esquire ;
 Francis William Buxton, Esquire ;
 25 Edward Henry Loyd, Esquire ;
 Frederick Greene, Esquire ;
 Horace Alfred Damer Seymour, Esquire, C.B. ;

[Bill 280.]

A

A.D. 1900.

Colonel Amelius Richard Mark Lockwood, M.P. ;

The Right Honourable Lord Hillingdon ;

shall after the passing of this Act be the Public Works Loan Commissioners under the Public Works Loans Act, 1875, and shall hold office until the expiration of *five years* from the *first day 5 of April one thousand nine hundred and one.*

Grants for
public
works.

2.—(1.) For the purpose of local loans there may be issued by the National Debt Commissioners the following sums, namely :—

(a.) For the purpose of loans by the Public Works Loan Commissioners any sum or sums not exceeding in the whole 10 the sum of *six million pounds* ;

(b.) For the purpose of loans by the Commissioners of Public Works in Ireland any sum or sums not exceeding in the whole the sum of *eight hundred thousand pounds.*

(2.) The sums so issued shall be issued during a period ending 15 on the day on which a further Act granting money for the purposes of those loans comes into operation and in accordance with the provisions of the National Debt and Local Loans Act, 1887.

50 & 51 Vict.
c. 16.

Certain
debts not to
be reckoned
as assets of
local loans
fund.
50 & 51 Vict.
c. 16.

3. Whereas it is expedient that the principal of the several local loans specified in the schedule to this Act should, to the extent 20 specified in the last column of that schedule, not be reckoned as assets of the local loans fund established under the National Debt and Local Loans Act, 1887 ; therefore, the principal of the said loans shall to that extent be written off from the assets of the local loans fund, and the provisions of section fifteen of the said Act 25 shall, so far as applicable, apply thereto.

Redemption
by Treasury
of their con-
tribution to
guarantee to
Mitchels-
town and
Fermoy
Railway.
46 & 47 Vict.
c. 43.

4. If by any Act passed in the present session of Parliament provision is made for the redemption by the Treasury of their liability in respect of their contribution to a baronial guarantee given under the Tramways and Public Companies (Ireland) 30 Act, 1883, to the Mitchelstown and Fermoy Light Railway Company, by payment to any railway company purchasing the undertaking of the said Light Railway Company, any amount required for that purpose, not exceeding in the whole the sum of *twenty-six thousand six hundred and sixty-six pounds*, and bearing 35 interest at the rate of *four per centum* per annum from the *first day of November one thousand nine hundred* until payment, may be paid to the purchasing company instead of to the council of the county of Cork, and the provisions of section two of the Tramways (Ireland) Act, 1895, shall apply accordingly with the necessary 40 modifications.

58 & 59 Vict.
c. 20.

Short title.

5. This Act may be cited as the Public Works Loans Act, 1900.

SCHEDULE.

A.D. 1900.

PART I.

LOANS BY THE COMMISSIONERS OF PUBLIC
WORKS, IRELAND.

5	Name of Borrower.	Act authorising Advance.	Amount Advanced.	Amount Repaid.	Amount to be written off the Assets of the Local Loans Fund.
10	Giles Eyre Lambert -	The Landed Property Improve- ment (Ireland) Act, 1847 (10 Vict. c. 82).	£ s. d. 500 0 0	£ s. d. 182 0 10	£ s. d. 317 19 2
	Ditto -	Do. -	100 0 0	--	100 0 0
15	Cors McCarthy -	Do. -	90 0 0	41 16 9	8 8 5
	Frances H. Norcott -	Do. -	100 0 0	24 6 4	4 8 5
	Cusack and Cormack (Rathangan River District).	The Drainage and Improvement of Lands Act (Ireland), 1863 (26 & 27 Vict. c. 88).	75 0 7	11 12 2	63 8 5
20	Patrick Flynn -	The Landlord and Tenant (Ire- land) Act, 1870 (33 & 34 Vict. c. 46).	473 0 0	84 2 11	388 17 1
	Johanna O'Brien -	The Land Law (Ireland) Act, 1881 (44 & 45 Vict. c. 49. s. 31).	125 0 0	5 1 10	119 18 2
25	Michael O'Brien -	Do. - - -	60 0 0	30 17 8	29 2 4
	James Collins -	Do. - - -	17 0 0	6 18 1	10 1 11
	P. J. Burke - -	Do. - - -	200 0 0	76 6 8	123 18 4
	Denis Hartnett -	Do. - - -	100 0 0	16 17 11	88 2 1
30	John Stinson - -	Do. - - -	75 0 0	19 18 11	55 1 1
	Michael Hurley -	Do. - - -	66 0 0	15 0 2	50 19 10
	John Trant - -	Do. - - -	100 0 0	11 7 8	88 12 4
	Henry Joynt - -	Do. - - -	90 0 0	15 9 9	74 10 8
			2,171 0 7	541 17 8	1,512 17 10

A.D. 1900.

PART II.

LOAN BY THE IRISH LAND COMMISSION.

Name of Borrower.	Act authorising Advance.	Amount Advanced.	Amount Repaid.	Amount to be written off the Assets of the Local Loans Fund.	5
J. Fitzgerald -	The Purchase of Land (Ireland) Act, 1885 (48 & 49 Vict. c. 73).	£ s. d. 3,000 0 0	£ s. d. 200 9 10	£ s. d. 2,799 10 2	10

PART III.

LOANS BY THE FISHERY BOARD FOR SCOTLAND.

LOANS to FISHERMEN under the CROFTERS HOLDINGS (SCOTLAND)
Act, 1886 (50 & 51 Vict. c. 29).

District and Name of Borrower.	Amount Advanced.	Amount Repaid and Realised by Sale of Boat.	Amount to be written off the Assets of the Local Loans Fund.	15
Stornoway.—Murdo Murray Donald Montgomery Malcolm Montgomery Donald Murray Donald Macdonald	£ s. d. 114 0 0	£ s. d. 90 7 6	£ s. d. 23 12 6	20

Public Works Loans.

A

B I L L

To grant Money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans.

(*Prepared and brought in by*
Mr. Hanbury and
Mr. Chancellor of the Exchequer.)

Ordered, by The House of Commons, to be Printed,
2 July 1900.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

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90, West Nile Street, Glasgow; or
HODGKIN, FROGGS, & Co., LIMITED, 109, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 280.]

Public Worship Regulation Act (1874) Amendment Bill.

MEMORANDUM.

The object of this Bill is to remove the veto given to the bishop by the Public Worship Regulation Act, 1874, and without such restriction to leave to the archdeacon, or to a churchwarden, or to three parashioners of the parish, or, in the case of cathedral or collegiate churches, to the inhabitants of the diocese, their existing right to make a representation with respect to acts, such as unlawfully altering church ornaments, or using in church unlawful ornaments of a minister of the church, or neglecting to use prescribed ornaments, or failure to observe the directions in the Book of Common Prayer relating to the performance of divine service, &c., or making unlawful addition to services and ceremonies, &c., and to take proceedings, after giving security for costs in accordance with the Act, in order to ~~secure~~ observance of the law.

The Bill also reduces from three years to six months the period which may elapse before a benefice or preferment can be declared void in consequence of the incumbent allowing an inhibition for disobedience to a monition to remain in force against him.

It also takes away the power to punish an incumbent by imprisonment for contumacious disobedience to any monition or inhibition issued in proceedings under the Act.

▲
B I L L

TO

Amend the Public Worship Regulation Act, 1874.

A.D. 1900.

WHEREAS it is expedient to amend the Public Worship Regulation Act, 1874:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and
5 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. That the words following in section nine of the Public Worship Regulation Act, 1874, shall be and the same are hereby repealed,
viz. :—

Amend-
ment of
37 & 38 Vict.
c. 85. s. 9.

10 “ Unless the bishop shall be of opinion, after considering the
“ whole circumstances of the case, that proceedings should
“ not be taken on the representation (in which case he
“ shall state in writing the reason for his opinion, and such
“ statement shall be deposited in the registry of the diocese,
15 “ and a copy thereof shall forthwith be transmitted to the
“ person or someone of the persons complained of) ”

and the bishop in every case shall, within twenty-one days after receiving the representation in the section mentioned, transmit a copy thereof to the person complained of, and shall and may do
20 all other matters and things directed or allowed by the section to be done by him.

2. In section thirteen of the said Act the words following shall be and the same are hereby repealed :—

Amend-
ment of
37 & 38 Vict.
c. 85. s. 13.

25 “ provided that if such inhibition shall remain in force for
“ more than three years from the date of the issuing of the
“ monition, or from the final determination of an appeal
“ therefrom, whichever shall last happen ”

[Bill 211.]

A

A.D. 1900. and the words following shall be read instead thereof:—

“ provided that if such inhibition shall remain in force for
 “ more than *six months* from the date thereof, or from the
 “ final determination of an appeal therefrom, whichever
 “ shall last happen.”

Abolition of
 writ for
 disobedience,
 monition, &c.,
 under
 37 & 38 Vict.
 c. 85.

3. No writ de contumace capiendo shall be issued in respect of
 any disobedience to any monition or inhibition issued in proceedings
 under the said Act.

Short title.

4. This Act may be cited as the Public Worship Regulation
 Amendment Act, 1900.

Public Worship
Regulation Act (1874)
Amendment.

A

B I L L

To amend the Public Worship
Regulation Act, 1874.

(Prepared and brought in by
Mr. Henry David Greene, Mr. Radcliffe Cooke,
and Mr. Brynmor Jones.)

Ordered, by The House of Commons, to be Printed,
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90, West Nile Street, Glasgow; or
HODGES, FIELDS, & CO., LIMITED, 104, Grafton Street, Dublin.

[Price 1d.]

[Bill 211.]

24 not finished.

GEORGE W. B. Y.
UNIVERSITY
24

Quarries Bill.

MEMORANDUM.

This Bill is intended to add to the legislation of 1887, which provided for the correct weighing of mineral contracted to be gotten by persons employed in coal and stratified ironstone mines, but which did not apply these regulations to quarries. This Bill seeks merely to assimilate the law relating to the weighing of the mineral that obtains in coal and ironstone mines, and no further change in the law affecting quarries is sought to be enacted.

A

B I L L

TO

Apply the Provisions of the Law relating to the Weighing of Minerals contracted to be gotten in Coal and Ironstone Mines to certain Quarries. A.D. 1900.

WHEREAS it is expedient to apply the provisions of the law relating to the weighing of minerals contracted to be gotten in coal and ironstone mines to quarries to which the Metalliferous Mines Acts apply :

5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1.) Where the amount of wages paid to any of the persons employed in a quarry to which the Metalliferous Mines Regulation Acts, 1872 and 1875, apply, depends on the weight of mineral gotten by them, those persons shall be paid according to the actual weight gotten by them of the mineral contracted to be gotten, and the mineral gotten by them shall be truly weighed at a place as near to the exit from the quarry as is reasonably practicable, provided that nothing in this section shall preclude the owner, agent, or manager of the quarry from agreeing with the persons employed in the quarry that deductions shall be made in respect of stones or substances other than the mineral contracted to be gotten which shall be sent out of the quarry with the mineral contracted to be gotten, such deductions being determined in such special mode as may be agreed upon between the owner, agent, or manager, or (if no check-weigher is stationed for this purpose as herein-after mentioned) by such person and such check-weigher, or in case of difference, by a third person, to be mutually agreed on by the owner, agent, or manager of the quarry on the one hand and the person employed in the quarry on the other, or in default

Provision as to payment according to weight, and means of determining the deductions due.
35 & 36 Vict. c. 77.
38 & 39 Vict. c. 39.

[Bill 25.]

A 2

A.D. 1900. in agreement, by a chairman of a court of quarter sessions within the jurisdiction of which any part of the quarry is situated.

(2.) If any person contravenes or fails to comply with this section he shall be guilty of an offence against this Act, and in the event of any such contravention or non-compliance, by any person whomsoever, the owner, agent, or manager of the quarry shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means by publishing and to the best of his power enforcing the provisions of this section, to prevent the contravention or the non-compliance.

(3.) Where it is proved to the satisfaction of the Secretary of State in the case of any quarry or class of quarries employing not more than thirty persons, to be expedient that the persons employed should, upon the joint representation of the owner or owners of any such quarry or class of quarries, and the said persons be paid by any method other than that provided by this Act, such Secretary of State may, if he think fit, by order allow the same either without conditions or during the time and on the conditions specified in the order.

Appoint-
ment by
employés of
check-
weighers
for ensuring
accuracy in
weighing
in quarries
where pay-
ment is
according to
weight.

2.—(1.) The persons who are employed in a quarry and are paid according to the weight of the mineral gotten by them may, at their own cost, station a person (in this Act referred to as a “check-weigher”) at each place appointed for the weighing of the mineral, and at each place appointed for determining the deductions, in order that he may on behalf of the persons by whom he is so stationed, take a correct account of the weight of the mineral, or determine correctly the deductions, as the case may be.

(2.) A check-weigher shall have every facility afforded to him for enabling him to fulfil the duties for which he is stationed, including facilities for examining and testing the weighing machine and testing the weighing of trucks, tubs, and trams where necessary, and if at any quarry proper facilities are not afforded the check-weigher, as required by this section, the owner, agent, and manager of the quarry shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means to enforce to the best of his power the requirements of this section.

(3.) A check-weigher shall not be authorised in any way to impede or interrupt the working of the quarry, or to interfere with weighing or with any of the workmen or with the management of the quarry, but shall be authorised only to take such account, or to determine such deductions, as aforesaid, and the absence of a check-weigher at the place at which he is stationed shall not be a reason

for interrupting or delaying the weighing or the determination of deductions at such place respectively, but the same shall be done or made by the person appointed in that behalf by the owner, agent, or manager, unless the absent check-weigher had reasonable
5 ground to suppose that the weighing or the determination of the deductions, as the case may be, could not be proceeded with: Provided always that nothing in this section shall prevent a check-weigher giving to any workman an account of the mineral gotten by him, or information with respect to the weighing or the weighing
10 machine, or the taring of the trucks, tubs, or trams, or with respect to the deductions or any other matter within the scope of his duties as check-weigher, so always, nevertheless, that the working of the quarry be not interrupted or impeded.

(4.) If the owner, agent, or manager of the quarry desires the
15 removal of a check-weigher on the ground that the check-weigher has impeded or interrupted the working of the quarry or interfered with the weighing, or with any of the workmen, or with the management of the quarry, or has at the quarry, to the detriment of the owner, agent, or manager, done anything in taking such
20 accounts, determining such deductions, or giving such information as aforesaid, he may complain to a court of summary jurisdiction, who, if of opinion that the owner, agent, or manager shows sufficient *prima facie* grounds for removal of the check-weigher, shall call on the check-weigher to show cause against his
25 removal.

(5.) On the hearing of the case the court shall hear the parties, and if they think that at the hearing sufficient ground is shown by the owner, agent, or manager to justify the removal of the check-weigher, shall make a summary order for his removal,
30 and the check-weigher shall thereupon be removed, but without prejudice to the stationing of another check-weigher in his place.

(6.) The court may in every such case make such order as to the course of the proceedings as the court may think just.

35 (7.) If, in pursuance of any order of examination made by a Secretary of State, the persons employed in a quarry are paid by the measure or gauge of the material gotten by them, the provisions of this Act shall apply in like manner as if the term "weighing" included measuring and gauging, and the terms
40 relating to weighing shall be construed accordingly.

(8.) If the person appointed by the owner, agent, or manager to weigh the mineral impedes or interrupts the check-weigher in the

A.D. 1900. — proper discharge of his duties, or improperly interferes with or alters the weighing machine or the tare, in order to prevent a correct account being taken of the weighing and taring, he shall be guilty of an offence against this Act.

Power of recovery by check-weigher of his wages from workmen.

3.—(1.) Where a check-weigher has been appointed by a majority 5 ascertained by ballot of the persons employed in a quarry where paid according to the weight of the mineral gotten by them and has acted as such, he may recover from any person for the time being employed at such quarry and so paid, his proportion of the check-weigher's wages or recompense, notwithstanding that any of 10 the persons by whom the check-weigher was appointed may have left the quarry, or others have entered the same since the check-weigher's appointment, any rule to the contrary notwithstanding.

(2.) It shall be lawful for the owner or manager of any quarry where the majority of the before-mentioned persons ascertained as 15 aforesaid shall agree to retain the agreed contribution of the persons so employed and paid as aforesaid for the check-weigher, notwithstanding the provisions of the Acts relating to truck, and to pay an amount for the same to the check-weigher.

Application to quarries under this Act of 50 & 51 Vict. c 58.

4. Section fifteen of the Coal Mines Regulation Act, 1887, which 20 applies the Weights and Measures Act, 1878, to weights, balances, scales, steelyards, and weighing machines used in mines and the inspection thereof, shall be applicable to all quarries under this Act.

Definitions.

5. In the application of this Act the term "quarry" means any 25 quarry to which the Metalliferous Mines Regulation Acts, 1872 and 1875, apply.

Short title.

6. This Act may be cited as the Quarries Act, 1900.

Quarries.

A

B I L L

To apply the Provisions of the Law relating to the Weighing of Minerals contracted to be gotten in "Coal" and Ironstone Mines to certain Quarries.

(*Prepared and brought in by*

Mr. Alfred E. Pease, Mr. John Wilson,

Mr. Atherley-Jones, Mr. Fenwick,

Mr. Joseph A. Pease, and

Mr. Joseph Richardson.)

*Ordered, by The House of Commons, to be Printed,
2 February 1900.*

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90, West Nile Street, Glasgow; or
HODGKINS, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 25.]

Quarries Bill.

[AS AMENDED IN COMMITTEE.]

MEMORANDUM.

This Bill is intended to add to the legislation of 1887, which provided for the correct weighing of mineral contracted to be gotten by persons employed in coal and stratified ironstone mines, but which did not apply these regulations to quarries. This Bill seeks merely to apply the law relating to the weighing of the mineral that obtains in coal and ironstone mines, to those quarries where the amount of wages paid to any persons employed depends upon the amount of mineral gotten, and no further change in the law affecting quarries is sought to be enacted.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Apply the Provisions of the Law relating to the Weighing of Minerals contracted to be gotten in Coal and Ironstone Mines to certain Quarries.

A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 5 1.—(1.) Where the amount of wages paid to any of the persons employed in a quarry depends on the weight of mineral gotten by them, those persons shall be paid according to the actual weight gotten by them of the mineral contracted to be gotten, and the mineral gotten by them shall be truly weighed at a place as near
 10 to the quarry as is reasonably practicable, provided that nothing in this section shall preclude the owner, agent, or manager of the quarry from agreeing with the persons employed in the quarry that deductions shall be made in respect of substances other than the mineral contracted to be gotten which shall be sent out of
 15 the quarry with the mineral contracted to be gotten, or in respect of any tubs, baskets, or hutches being improperly filled in those cases where they are filled by the getter of the mineral or his loader, or by the person immediately employed by him, such deductions being determined in such special mode as may be agreed
 20 upon between the owner, agent, or manager of the quarry on the one hand and the persons employed in the quarry on the other, or by some person appointed in that behalf by the owner, agent, or manager, or (if any check-weigher is stationed for this purpose as herein-after mentioned) by such person and such check-weigher,
 25 or in case of difference, by a third person, to be mutually agreed on by the owner, agent, or manager of the quarry on the one hand and the persons employed in the quarry on the other, or in default

Provision as to payment according to weight, and means of determining the deductions due.

35 & 36 Vict. c. 77.

[Bill 220.]

A 2

A.D. 1900. of agreement, by a chairman of a court of quarter sessions within the jurisdiction of which any part of the quarry is situated.

(2.) If any person contravenes or fails to comply with this section he shall be guilty of an offence against this Act, and in the event of any such contravention or non-compliance, by any person whomsoever, the owner, agent, and manager of the quarry shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means by publishing and to the best of his power enforcing the provisions of this section, to prevent the contravention or non-compliance.

10

Appoint-
ment by
employés of
check-
weighers
for ensuring
accuracy in
weighing
in quarries
where pay-
ment is
according to
weight.

2.—(1.) The persons who are employed in a quarry and are paid according to the weight of the mineral gotten by them may, at their own cost, station a person (in this Act referred to as a "check-weigher") at each place appointed for the weighing of the mineral, and at each place appointed for determining the deductions, in order that he may on behalf of the persons by whom he is so stationed, take a correct account of the weight of the mineral, or determine correctly the deductions, as the case may be.

(2.) A check-weigher shall have every facility afforded to him for enabling him to fulfil the duties for which he is stationed, including facilities for examining and testing the weighing machine and checking the taring of waggons, tubs, and trams where necessary, and if at any quarry proper facilities are not afforded the check-weigher, as required by this section, the owner, agent, and manager of the quarry shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means to enforce to the best of his power the requirements of this section.

(3.) A check-weigher shall not be authorised in any way to impede or interrupt the working of the quarry, or to interfere with the weighing or with any of the workmen or with the management of the quarry, but shall be authorised only to take such account, or to determine such deductions, as aforesaid, and the absence of a check-weigher at the place at which he is stationed shall not be a reason for interrupting or delaying the weighing or the determination of deductions at such place respectively, but the same shall be done or made by the person appointed in that behalf by the owner, agent, or manager, unless the absent check-weigher had reasonable ground to suppose that the weighing or the determination of the deductions, as the case may be, would not be proceeded with: Provided always that nothing in this section shall prevent a check-weigher giving to any workman an account of the mineral gotten by him, or information with respect to the weighing or the weighing

40

machine, or the tareing of the waggons, tubs, or trams, or with respect to the deductions or any other matter within the scope of his duties as check-weigher, so always, nevertheless, that the working of the quarry be not interrupted or impeded. A.D. 1900.

5 (4.) If the owner, agent, or manager of the quarry desires the removal of a check-weigher on the ground that the check-weigher has impeded or interrupted the working of the quarry or interfered with the weighing, or with any of the workmen, or with the management of the quarry, or has at the quarry, to the detriment
10 of the owner, agent, or manager, done anything beyond taking such accounts, determining such deductions, or giving such information as aforesaid, he may complain to a court of summary jurisdiction, who, if of opinion that the owner, agent, or manager shows sufficient *prima facie* ground for the removal of the check-weigher,
15 shall call on the check-weigher to show cause against his removal.

(5.) On the hearing of the case the court shall hear the parties, and if they think that at the hearing sufficient ground is shown by the owner, agent, or manager to justify the removal of the
20 check-weigher, shall make a summary order for his removal, and the check-weigher shall thereupon be removed, but without prejudice to the stationing of another check-weigher in his place.

(6.) The court may in every such case make such order as to
25 the costs of the proceedings as the court may think just.

(7.) If the persons employed in a quarry are paid by the measure, gauge, or counting of the material gotten by them, the provisions of this Act shall apply in like manner as if the term "weighing" included measuring, gauging, and counting, and the terms relating
30 to weighing shall be construed accordingly.

(8.) If the person appointed by the owner, agent, or manager to weigh the mineral impedes or interrupts the check-weigher in the proper discharge of his duties, or improperly interferes with or alters the weighing machine or the tare, in order to prevent a correct
35 account being taken of the weighing and tareing, he shall be guilty of an offence against this Act.

If the owner, agent, or manager of any mine, or any person employed by or acting under the instructions of any such owner, agent, or manager, interferes with the appointment of a check-
40 weigher, or refuses to afford proper facilities for the holding of any meeting for the purpose of making such appointment, in any case in which the persons entitled to make the appointment do not

A.D. 1900. — possess or are unable to appoint a suitable meeting-place, or attempts, whether by threats, bribes, promises, notice of dismissal, or otherwise howsoever, to exercise improper influence in respect of such appointment, or to induce the persons entitled to appoint a check-weigher, or any of them, not to re-appoint a check-weigher, 5 or to vote for or against any particular person or class of persons in the appointment of a check-weigher, such owner, agent, or manager, shall be guilty of an offence against this Act.

Power of recovery by check-weigher of his wages from workmen.

3.—(1.) Where a check-weigher has been appointed by a majority ascertained by ballot of the persons employed in a quarry who are 10 paid according to the weight of the mineral gotten by them and has acted as such, he may recover from any person for the time being employed at such quarry and so paid, his proportion of the check-weigher's wages or recompense, notwithstanding that any of the persons by whom the check-weigher was appointed may have 15 left the quarry, or others have entered the same since the check-weigher's appointment, any rule of law or equity to the contrary notwithstanding.

(2.) It shall be lawful for the owner or manager of any quarry where the majority of the before-mentioned persons ascertained as 20 aforesaid so agree to retain the agreed contribution of the persons so employed and paid as aforesaid for the check-weigher, notwithstanding the provisions of the Acts relating to truck, and to pay and account for the same to the check-weigher.

Application to quarries under this Act of 50 & 51 Vict. c. 58.

4. Section fifteen of the Coal Mines Regulation Act, 1887, which 25 applies the Weights and Measures Act, 1878, to weights, balances, scales, steelyards, and weighing machines used in mines and provides for the inspection thereof, shall be applicable to all quarries to which this Act applies as if the word "quarry" were substituted therein for the word "mine" wherever it occurs. 30

Short title.

5. This Act may be cited as the Quarries Act, 1900, and shall be construed as one with the Quarries Act, 1894.

Quarries.

A

B I L L

[AS AMENDED IN COMMITTEE]

To apply the Provisions of the Law relating to the Weighing of Minerals contracted to be gotten in Coal and Ironstone Mines to certain Quarries.

(*Prepared and brought in by*
Mr. Alfred E. Pease, Mr. John Wilson,
Mr. Atherley-Jones, Mr. Fenwick,
Mr. Joseph A. Pease, and
Mr. Joseph Richardson.)

Ordered, by The House of Commons, to be Printed,
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90, West Nile Street, Glasgow; or
HODGKIN, YIGGIE, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 220.]

A

B I L L

TO

Amend the Railway and Canal Traffic Act, 1888, and to provide for the better carriage by rail of Cycles. A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 5 1. The following provisions shall apply to the conveyance by railway companies in their passenger trains or steamers of cycles belonging to persons who travel with cycles in and by such trains or steamers:—
- 10 (1.) Every railway company shall afford all reasonable facilities, and provide sufficient and proper accommodation in its passenger trains and steamboats for the conveyance of cycles in and by such trains and steamboats.
- 15 (2.) Every railway company shall (if requested by a person travelling by passenger train or steamboat) convey the cycle belonging to such person in the same train by which that person is travelling.
- 20 (3.) Every railway company shall provide proper facilities at its stations for the issue to a person travelling with a cycle of a ticket for his cycle, at the same booking office, and at the same time, as that at which the traveller has to take his ticket as a passenger; and any railway company which, in contravention of this subsection, fails and refuses on demand by a passenger to issue to him a ticket for the conveyance of his cycle at the booking office, and at the time at which the
- 25 passenger takes his passenger ticket, shall for every such failure or refusal be liable to a penalty not exceeding *forty shillings*, to be recovered on summary conviction.
- 30 (4.) Proper facilities shall be afforded by railway companies, whose undertakings form a part of a continuous line of railway or railway and steamboat communication, for the conveyance of cycles belonging to travellers at through rates or fares.

[Bill 283.]

Facilities to be afforded by railway companies for the conveyance and accommodation of passengers' cycles.

- A.D. 1900. (5.) For the conveyance of a cycle in the train by which the owner of the cycle is travelling, a railway company may charge a rate not exceeding the maximum rate specified in the first part of the schedule of this Act. which maximum rate shall include all charges for the provision of accommodation, and for loading and unloading, and for transfer from one railway to another, between the place from which, and the place to which, the owner of the cycle is being conveyed.
- (6.) For the storage and custody by a railway company of cycles belonging to travellers by its railway, a railway company may make charges not exceeding the maximum charges specified in the second part of the schedule of this Act.

Liabilities of
railway com-
panies for
injury to
cycles of
passengers.
17 & 18 Vict.
c. 31 s. 7.

2. Every railway company shall be liable for the loss of, or for any injury to, for unreasonable delay in delivering a cycle belonging to a passenger, caused by the neglect or default of such railway company, or its servants, notwithstanding any notice, condition, or declaration made, and given by such company to the contrary, or in any way limiting such liability; and every notice, condition, or declaration by a railway company, purporting to limit its liability for such loss, injury, or unreasonable delay, shall be void.

Jurisdiction
of the Rail-
way Com-
missioners.
51 & 52 Vict.
c. 25 ss. 7-9.

3.—(1.) The Railway Commissioners shall have the like jurisdiction to hear and determine, and make orders upon complaint, of a contravention of this Act, as the Commissioners have to hear and determine a complaint under the ninth section of the Railway and Canal Traffic Act, 1888, and the Acts therein referred to; and the procedure prescribed by the said Act, and the Acts amending the same, and the rule made thereunder, shall apply to complaints made under the Act.

(2.) A complaint which the Commissioners have jurisdiction to determine may be made by any of the authorities and associations mentioned in section seven of the Railway and Canal Traffic Act, 1888, or of persons interested in cycles, which may obtain from the Board of Trade a certificate that it is a proper body to make such complaint.

Interpreta-
tion.

4. In this Act "cycle" shall mean and include a bicycle or tricycle constructed to carry one or more riders.

Citation.

5. This Act may be cited as the Railway (Cycles) Traffic Act, 1900, and shall be construed as one with the Railway and Canal Traffic Acts, 1873 and 1888.

SCHEDULE.

A.D. 1900.

PART I.

5	Description of Cycle.	For distances up to	For any Distance
		and including Twelve Miles a Registration Fee of	exceeding Twelve Miles.
	Bicycle - - - - -	<i>Threepence.</i>	<i>Sixpence.</i>
	Tricycle or tandem bicycle - - -	<i>Fourpence.</i>	<i>Eightpence.</i>
	Cycle constructed to carry three riders -	<i>Fivepence.</i>	<i>Ninepence.</i>
10	Do. do. four riders -	<i>Sixpence.</i>	<i>Tenpence.</i>
	Do. do. five riders, and so on	<i>Sevenpence.</i>	<i>Elevenpence.</i>

PART II.

15	Description of Cycle.	For any period not exceeding Forty-eight Hours.	For each additional Day or part of Day.
	Bicycle - - - - -	<i>Twopence.</i>	<i>One penny.</i>
	Tricycle or tandem bicycle - - -	<i>Threepence.</i>	<i>Twopence.</i>
	Cycle constructed to carry three riders -	<i>Fourpence.</i>	<i>Threepence.</i>
	Do. do. four riders -	<i>Fivepence.</i>	<i>Fourpence.</i>
20	Do. do. five riders -	<i>Sixpence.</i>	<i>Fivepence.</i>

Railway and Canal Traffic Act (1888) Amendment.

A

B I L L

TO

Amend the Railway and Canal Traffic
Act, 1888, and to provide for the
better carriage by rail of Cycles.

*(Prepared and brought in by
Sir Howard Vincent, Mr. Gladstone,
Mr. Butcher, Mr. Marks, Mr. Kimber,
Mr. Thornton, and Mr. Lowe.)*

*Ordered, by The House of Commons, to be Printed,
4 July 1900.*

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and 32, Abingdon Street, Westminster, S.W. 1 or
JOHN MENZIES & CO., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FRODIP, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 283.]

A
B I L L

TO

Amend the Railway and Canal Traffic Acts, 1854, 1873, A.D. 1900.
and 1888.

WHEREAS the number of persons travelling by railway with cycles has greatly increased :

And whereas it is expedient that the maximum rates and charges to be charged and made by railway companies in respect of the
5 carriage of cycles by passenger trains, and in respect of the reception and custody of cycles at railway stations, should be fixed that such companies should be required to provide reasonable facilities for such carriage reception and custody of cycles, and that provision should be made with regard to the liability of railway companies
10 for negligence in connection with the carriage and custody of cycles :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual, and Temporal, and Commons, in this present Parliament assembled,
15 and by the authority of the same, as follows :—

1. This Act may be cited as the Railway and Canal Traffic (Cycles) Amendment Act, 1900, and shall be construed as one with the Railway and Canal Traffic Acts, 1873 and 1888.

Short title and construction of Act.
36 & 37 Vict.
c. 43.
51 & 52 Vict.
c. 25.

2. In this Act the expression "cycle" shall mean a bicycle,
20 tricycle, velocipede, or other similar machine propelled by the rider or riders only, and not by steam, electricity, or other mechanical power.

Definition of cycles.

3. A railway company shall not be entitled to charge or make in respect of cycles carried by passenger trains, or by steam or other boats for passengers travelling in such trains or boats, any
25 rates or charges exceeding those specified in the First Schedule to this Act. Provided always, that such limitation of charges shall not apply to more than one cycle with which any such passenger may be travelling.

Rates for cycles carried by passenger trains.

[Bill 308.]

A.D. 1900. **4.** A railway company shall not be entitled to charge or make in respect of cycles received for storage or safe custody at any station any rates or charges exceeding those specified in the Second Schedule to this Act.

Facilities for the carriage and storage of cycles. **5.** Every railway company shall, according to their respective powers, afford all reasonable accommodation and facilities for the carriage of cycles by passenger trains or by steam or other boats for passengers travelling in such trains or boats, and for the reception, storage, safe custody, and delivery of cycles at their cloak rooms or elsewhere at their stations, and shall issue to all passengers travelling with cycles through tickets or return tickets (as the case may be) for such cycles to the same places as those to which they shall issue through tickets or return tickets to such passengers respectively, and (in the case of return tickets) for the same periods. And the Commissioners shall have the like jurisdiction to hear and determine a complaint of a contravention of this section as they have to hear and determine a complaint of a contravention of section two of the Railway and Canal Traffic Act, 1854, as amended by subsequent Acts. And any incorporated body having for its object the furtherance of the use of cycles or the interests of persons using cycles may make a complaint to the Commissioners under this section, and may do so without proof that such body is aggrieved by the matter complained of, and any such body may appear in support of or in opposition to any complaint made to the Commissioners by any other body, authority, or person, under this section, in any case where such body or the persons represented by them appear to the Commissioners to be likely to be affected by any determination of the Commissioners upon such complaint.

Liability of companies for loss of or injury to cycles occasioned by neglect, &c. **6.** Every railway company shall be liable for the loss of or for any injury done to any cycle in the receiving, storing, or retaining in custody, forwarding or delivering thereof, or for any delay in the delivering thereof occasioned by the neglect or default of such company or its servants, notwithstanding any notice, condition, declaration, or contract made or given by such company contrary thereto, or in anywise limiting such liability, every such notice, condition, declaration, or contract being hereby declared to be null and void. Provided always, that the proof of the value of such cycle, and the amount of the injury thereto, or of the damage sustained by reason of such delay shall in all cases lie upon the person claiming compensation for such loss, injury, or delay.

SCHEDULES referred to in the foregoing Act. A.D. 1900.

SCHEDULE I.

Rates for carriage of cycles by passenger train or by steam or other boat
or (for part of a journey) by passenger train and (for part) by steam or other
5 boat.

10	Class of Cycle.	Charge for Distance.				
		Not exceeding 25 miles.	Exceeding 25 miles and not exceeding 50 miles.	Exceeding 50 miles and not exceeding 75 miles.	Exceeding 75 miles and not exceeding 100 miles.	In respect of each 50 miles exceeding 100 miles. !
		<i>d.</i>	<i>d.</i>	<i>s.</i> <i>d.</i>	<i>s.</i> <i>d.</i>	<i>d.</i>
	Bicycle - - - -	3	6	0 9	1 0	3
	Tricycle - - - -	4½	9	1 1½	1 6	4½
15	Tandem or other cycle constructed to carry more than one rider.	25 per cent. more than the rate chargeable for the like distance in respect of a bicycle or (if the cycle has three or more wheels) in respect of a tricycle, for each rider (beyond the first) for whom the cycle shall be constructed (disregarding fractions of a penny less than one halfpenny).				
20						

The said rates shall include all charges for landing at or embarking from
or carrying cycles over any pier or landing-stage belonging to the railway
company.

SCHEDULE II.

25 CHARGES FOR STORAGE.

30	Class of Cycle.	Charge for Time.	
		Not exceeding two days.	In respect of each day after the second day.
		<i>d.</i>	<i>d.</i>
	Bicycle - - - -	2	1
	Tricycle - - - -	3	1½
	Tandem bicycle - -	3	1½
35	Any other cycle constructed to carry more than one rider.	2 <i>d.</i> for each rider for whom the cycle shall be constructed.	1 <i>d.</i> for each rider for whom the cycle shall be constructed.

Railway and Canal Traffic Acts Amendment.

A

B I L L

To amend the Railway and Canal
Traffic Acts, 1854, 1873, and 1888.

*(Prepared and brought in by
Sir Thomas Gibson Carmichael,
Mr. F. C. Heddervick, Mr. Arnold-Forster,
Mr. Griffith-Boscawen, and Mr. Yorall.)*

*Ordered, by The House of Commons, to be Printed,
20 July 1900.*

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JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGINS, FRIGER, & Co., LIMITED, 104, Grafton Street, Dublin.

[Price 4d.]

[Bill 308.]

Railways (Prevention of Accidents) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Power to make rules as to dangerous railway operations.
2. Publication and consideration of draft rules.
3. Reference of objections to Railway Commissioners.
4. Questions to be kept in view in considering objections.
5. Making of rules.
6. Power to refer objections to referee.
7. Application of rules.
8. Power to make an order or give a direction in place of a rule.
9. Penalties.
10. Procedure before Commissioners.
11. Inspection and notices of accidents.
12. Issuing debenture stock to meet expenses incurred under this Act.
13. Staff, inquiries, and experiments.
14. Definition of "railway" and "railway company."
15. Application to Scotland and Ireland.
16. Short title.

SCHEDULE.

A

B I L L

FOR

The better Prevention of Accidents on Railways.

A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 5 1.—(1.) The Board of Trade may, subject to the provisions of this Act, make such rules as they think fit with respect to any of the subjects mentioned in the Schedule to this Act, with the object of reducing or removing the dangers and risks incidental to railway service. Power to make rules as to dangerous railway operations.
- 10 (2.) Where the Board of Trade consider that avoidable danger to persons employed on any railway arises from any operation of railway service (not being a matter in respect to which rules may be made under the foregoing provisions of the section), whether that danger arises from anything done or omitted to be done by
- 15 the Company or any of its officers or servants, or from any want of proper appliances or plant, they may, subject to the provisions of this Act, after communicating with the railway company, and giving them a reasonable opportunity of reducing or removing the danger or risk, make rules for that purpose.
- 20 (3.) The Board of Trade may, by any rules made under this section, require amongst other matters the use or disuse of any plant or appliances.

- 25 2.—(1.) When the Board of Trade propose to make any rules under this Act, the Board shall publish in the London Gazette, and in such other manner as the Board think best adapted for informing persons affected, notice of the proposal to make the rules, and of the place where copies of the draft rules may be obtained, and of the

Publication and consideration of draft rules.

[Bill 78.]

A 2

A.D. 1900. — time, not being less than *one month*, within which any objection or suggestion made with respect to the draft rules by or on behalf of persons affected must be lodged with the Board.

(2.) The Board of Trade shall consider any objection or suggestion made by or on behalf of persons appearing to them to be affected which is lodged within the required time, and give to any person lodging any such objection or suggestion an opportunity of communicating with the Board on the matter. 5

(3.) The Board of Trade may modify the draft rules in such manner as may seem expedient on consideration of the objections or suggestions, and may, if they think fit, withdraw any draft rule without prejudice to the power of making a new rule with respect to the same matter. 10

Reference of
objections to
Railway
Commissioners.

3.—(1.) If, after the consideration of any such objection, the person who has made it is not satisfied with the mode in which the objection is dealt with, he may, by notice in writing to the Board of Trade given within the time limited in that behalf by the Board require the Board to refer the objection to the Railway and Canal Commissioners. 15

(2.) The Commissioners shall consider whether any objection so referred to them is reasonable or not, and if they determine that the objection is reasonable, the rule to which the objection relates shall not be made. 20

Questions to
be kept in
view in con-
sidering ob-
jections.

4. The Board of Trade, in considering any objection to a draft rule, and the Commissioners in considering any objection referred to them, shall, amongst other matters, have regard to the question whether the requirements of the rule would materially interfere with the trade of the country, or with the necessary operations of any railway company. 25

Making of
rules.

5.—(1.) The Board of Trade, after the consideration of objections and suggestions, shall (except when they withdraw the rules) send a copy of the rules as proposed to be made to each objector, and shall fix a limit of time, not being less than *one month*, within which any notice requiring an objection to be referred to the Commissioners is to be given to the Board. 30

(2.) If no such notice is given to the Board of Trade within the time so limited, the Board may make the rules as proposed to be made, but if any such notice is given within that time the Board shall not make the rules until the Commissioners have given their decision on the objection, and have decided against it. 35 40

6. The Board of Trade shall, on being satisfied that it is the general desire of the objectors, refer to a referee appointed by the Board of Trade any objections which the Board are required to refer to the Railway and Canal Commissioners, and thereupon
 5 the referee shall take the same proceedings, and have regard to the same matters. and his decision shall have the same effect, as if the objections had been referred to the Commissioners.
7. Rules made under this Act may apply either generally, or to any particular railways or class of railways, and may provide
 10 for the exemption from their operation of any specified railways or class of railways.
8. Where, in the opinion of the Board of Trade, the requirements of the case would be better met by a specific order or direction than by a general rule, the Board of Trade may propose
 15 such an order or direction, and thereupon the provisions of this Act shall apply as if the order or direction were a rule.
- 9.—(1.) If any railway company or other company or person acts in contravention of, or fails to comply with, any rule under this Act, then—
- 20 (a) the company or person shall be liable for each offence on conviction under the Summary Jurisdiction Acts to a fine not exceeding *fifty pounds*, or in the case of a continuing offence to a fine not exceeding *ten pounds* for every day during which the offence continues after conviction; or
- 25 (b) on the application of the Board of Trade, compliance with the rule may be enforced by the Railway and Canal Commissioners as if the rule were an order made by those Commissioners in the exercise of their statutory jurisdiction.
- (2.) A summary conviction for an offence under this section
 30 shall be subject to an appeal to a court of quarter sessions in manner provided by the Summary Jurisdiction Acts.
10. The proceedings on and incidental to the consideration of an objection by the Railway and Canal Commissioners under this Act shall be conducted in accordance with rules made by the Commissioners, and provision may be made by those rules for the
 35 consideration of any matter either by a single Commissioner or by a Commissioner or Commissioners, with one or more assessors; for the award of costs where in the opinion of the Commissioners there was not reasonable ground for requiring an objection to be referred

A.D. 1900.

Power to
refer
objections
to referee.Application
of rules.Power to
make an
order or give
a direction
in place of a
rule.

Penalties.

Procedure
before Com-
missioners.

A.D. 1900. to the Commissioners; and for hearing any persons the Commissioners think fit to hear either in support of or in opposition to an objection.

Inspection
and notices
of accidents.

11.—(1.) The powers of the Board of Trade for the inspection of railways shall include power to inspect any railway for the purpose of ascertaining whether there is any ground for proceeding under this Act, or whether there has been any contravention of or in default in compliance with any rule made under this Act. 5

(2.) The duty of a railway company to give notice of accidents shall apply to accidents attended with loss of life or personal injury to any person in the employment of the company on any line, or siding having a junction with the railway of the railway company, but not belonging to or in the occupation of any railway company, in like manner as it applies to such accidents when occurring on the railway of the company, and the provisions relating to the notice of such accidents shall have effect accordingly. 10 15

Issuing
debenture
stock to
meet ex-
penses in-
curred under
this Act.

12. Where the requirements of any rules under this Act involve any expenditure by a railway company which would properly be chargeable to capital account, the company may furnish to the Board of Trade an estimate of the expenditure, and thereupon the Board of Trade shall, on the application of the company, fix and determine the sum which is properly chargeable to capital account, and the company may issue debentures or debenture stock in priority to or ranking *pari passu* with any existing debentures or debenture stock of the company, bearing interest at a rate not exceeding *five* per cent. per annum, to an amount not exceeding the sum so fixed and determined, and any money raised under the provisions of this section shall be applied in carrying out the requirements of the rules, and to no other purpose whatsoever, and no other authority, save the certificate of the Board of Trade, shall be requisite to authorise and validate the issue of the debentures or debenture stock. 20 25 30

Staff,
inquiries,
and experi-
ments.

13.—(1.) The Board of Trade may (with the concurrence of the Treasury as to number) appoint or employ such persons as appear to them to be required for carrying this Act into effect, and may hold such inquiries, and make such experiments as they think expedient for that purpose. 35

(2.) *The remuneration of any such persons, and the expenses incurred by the Board in relation to any inspection, inquiry, or experiment under this Act shall (to an amount approved by the Treasury) be defrayed out of moneys provided by Parliament.* 40

(3.) It shall be the duty of every railway company to give all reasonable facilities (subject to the due working of their traffic) for conducting any experiments made by the Board of Trade for the purpose of this Act. A.D. 1900.

5 (4.) Where the Board of Trade hold any inquiry under this Act with reference to an objection to a proposed rule, section three of the Board of Trade (Arbitration, &c.) Act, 1874, shall apply as if the inquiry were held on an application made in pursuance of a special Act, and the objector were a party to the application within the 37 & 38 Vict.
c. 40.

10 meaning of that section.

14. In this Act the expression "railway" means any railway used for the purposes of public traffic whether passenger, goods, or other traffic, and includes any works connected with the railway, and the expression "railway company" includes a company or person Definition of
"railway"
and
"railway
company."

15 working a railway under lease or otherwise.

15. In the application of this Act to railways in Scotland and Ireland respectively, references to the Edinburgh or Dublin Gazette shall, as the case may require, be substituted for references to the London Gazette. Application
to Scotland
and Ireland.

20 16. This Act may be cited as the Railway Employment Short title.
(Prevention of Accidents) Act, 1900.

A.D. 1900.

SCHEDULE.

1. Brake levers on both sides of waggons.
2. Labelling waggons.
3. Movement of waggons by propping and tow roping.
4. Steam brakes on engines. 5
5. Lighting of stations or sidings where shunting operations are frequently carried on after dark.
6. Protection of point rods and signal wires, and position of ground levers working points.
7. Position of offices and cabins near working lines. 10
8. Marking of fouling points.
9. Construction and protection of gauge glasses.
10. Arrangement of tool boxes and water gauges on engines.
11. Working of trains upon running lines without brake vans.
12. Protection to permanent way men when relaying or repairing 15 permanent way.

Railways (Prevention of Accidents).

A

B I L L

For the better Prevention of Accidents
on Railways.

*(Prepared and brought in by
Mr. Ritchie, Mr. Attorney-General, and
Mr. Solicitor-General.)*

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30, West Nile Street, Glasgow; or
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[Price 1d.]

[Bill 78.]

Railways (Prevention of Accidents) Bill.

[AS AMENDED BY THE STANDING COMMITTEE ON TRADE, &c.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Power to make rules as to dangerous railway operations.
2. Publication and consideration of draft rules.
3. Reference of objections to Railway Commissioners.
4. Questions to be kept in view in considering objections.
5. Making of rules.
6. Power to refer objections to referee.
7. Application of rules.
8. Power to make an order or give a direction in place of a rule.
9. Power to extend time.
10. Penalties.
11. Procedure before Commissioners.
12. Inspection and notices of accidents.
13. Issuing debenture stock to meet expenses incurred under this Act.
14. Staff, inquiries, and experiments.
15. Definition of "railway" and "railway company."
16. Obligation of railway company under terms of lease or agreement.
17. Application to Scotland and Ireland.
18. Short title.

SCHEDULE.

A

B I L L

[AS AMENDED BY THE STANDING COMMITTEE ON TRADE, &c.]

FOR

The better Prevention of Accidents on Railways.

A.D. 1900

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5 1.—(1.) The Board of Trade may, subject to the provisions of this Act, make such rules as they think fit with respect to any of the subjects mentioned in the schedule to this Act, with the object of reducing or removing the dangers and risks incidental to railway service.

Power to
make rules
as to
dangerous
railway
operations.

10 (2.) Where the Board of Trade consider that avoidable danger to persons employed on any railway arises from any operation of railway service (not being a matter in respect to which rules may be made under the foregoing provisions of the section), whether that danger arises from anything done or omitted to be done by
15 the railway company or any of its officers or servants, or from any want of proper appliances or plant, they may, subject to the provisions of this Act, after communicating with the railway company, and giving them a reasonable opportunity of reducing or removing the danger or risk, make rules for that purpose.

20 (3.) The Board of Trade may, by any rules made under this section, require amongst other matters the use of any plant or appliance which has been shown to the satisfaction of the Board of Trade to be calculated to reduce danger to persons employed on a railway, or the disuse of any plant or appliance which has been
25 similarly shown to involve such danger. The Board of Trade shall, by any rule made by them under this section, give a reasonable time for carrying out the requirements of the rule.

2.—(1.) When the Board of Trade propose to make any rules under this Act, the Board shall publish in the London Gazette,
[Bill 198.]

A 2

Publication
and con-
sideration of
draft rules.

A.D. 1900.

notice of the proposal to make the rules, and of the place where copies of the draft rules may be obtained, and of the time, not being less than one month, within which any objection or suggestion made with respect to the draft rules by or on behalf of persons affected must be lodged with the Board, and shall take such other 5 steps as they think best adapted for giving information with respect to those matters to persons affected.

(2.) The Board of Trade shall consider any objection or suggestion made by or on behalf of persons appearing to them to be affected which is lodged within the required time, and give to 10 any person lodging any such objection or suggestion an opportunity of communicating with the Board on the matter.

(3.) The Board of Trade may modify the draft rules in such manner as may seem expedient on consideration of the objections or suggestions, and may, if they think fit, withdraw any draft 15 rule without prejudice to the power of making a new rule with respect to the same matter.

Reference of
objections to
Railway
Commissioners.

3.—(1.) If, after the consideration of any such objection, the person who has made it is not satisfied with the mode in which the objection is dealt with, he may, by notice in writing to the 20 Board of Trade given within the time limited in that behalf by the Board require the Board to refer the objection to the Railway and Canal Commissioners, and the Board shall so refer the objection accordingly.

(2.) The Commissioners shall consider whether any objection 25 so referred to them is reasonable or not, and if they determine that the objection is reasonable, the rule to which the objection relates shall not be made.

Questions to
be kept in
view in con-
sidering ob-
jections.

4. The Board of Trade, in considering any objection to a draft rule, and the Commissioners in considering any objection referred 30 to them, shall, amongst other matters, have regard to the question whether the requirements of the rule would materially interfere with the trade of the country, or with the necessary operations of any railway company.

Making of
rules.

5.—(1.) The Board of Trade, after the consideration of objec- 35 tions and suggestions, shall (except when they withdraw the rules) send a copy of the rules as proposed to be made to each objector, and shall fix a limit of time, not being less than one month, within which any notice requiring an objection to be referred to the Commissioners is to be given to the Board. 40

(2.) If no such notice is given to the Board of Trade within the time so limited, the Board may make the rules as proposed to be

made, but if any such notice is given within that time the Board shall not make the rules until the Commissioners have given their decision on the objection, and have decided against it. A.D. 1900.

6. The Board of Trade shall, on being satisfied that it is the general desire of the objectors, refer to a referee appointed by the Board of Trade any objections which the Board are required to refer to the Railway and Canal Commissioners, and thereupon the referee shall take the same proceedings, and have regard to the same matters, and his decision shall have the same effect, as if the objections had been referred to the Commissioners. Power to refer objections to referee.

7. Rules made under this Act may apply either generally, or to any particular railways or class of railways, and may provide for the exemption from their operation of any specified railways or class of railways. Application of rules.

8. Where, in the opinion of the Board of Trade, the requirements of the case would be better met by a specific order or direction than by a general rule, the Board of Trade may make such an order or direction, and thereupon the provisions of this and any other Act shall apply as if the order or direction were a rule under this Act. Power to make an order or give a direction in place of a rule.

9. The Board of Trade may extend the time fixed by them under this Act for the making of objections or suggestions with respect to draft rules, or the giving of a notice requiring an objection to be referred to the Commissioners in the case of any objection, suggestion, or notice, if it is shown to their satisfaction that the extension of time is justified by the special circumstances of the case. Power to extend time.

10.—(1.) If any railway company or other company or person acts in contravention of, or fails to comply with, any rule under this Act, then— Penalties.

(a) the company or person shall be liable for each offence on conviction under the Summary Jurisdiction Acts to a fine not exceeding fifty pounds, or in the case of a continuing offence to a fine not exceeding ten pounds for every day during which the offence continues after conviction; or

(b) on the application of the Board of Trade, compliance with the rule may be enforced by the Railway and Canal Commissioners as if the rule were an order made by those Commissioners in the exercise of their statutory jurisdiction.

(2.) A summary conviction for an offence under this section shall be subject to an appeal to a court of quarter sessions in manner provided by the Summary Jurisdiction Acts.

A.D. 1900.

Procedure
before Com-
missioners.

11. The proceedings on and incidental to the consideration of an objection by the Railway and Canal Commissioners under this Act shall be conducted in accordance with rules made by the Commissioners, and provision may be made by those rules for the consideration of any matter either by a single Commissioner or by 5 a Commissioner or Commissioners, with one or more assessors; for the award of costs where in the opinion of the Commissioners a requirement to refer an objection to the Commissioners is frivolous and vexatious, and for hearing any persons the Commissioners think fit to hear either in support of or in opposition to an objection. 10

Inspection
and notices
of accidents.

12.—(1.) The powers of the Board of Trade for the inspection of railways shall include power to inspect any railway for the purpose of ascertaining whether there is any ground for proceeding under this Act, or whether there has been any contravention of or default in compliance with any rule made under this Act. 15

(2.) The duty of a railway company to give notice of accidents shall apply to accidents attended with loss of life or personal injury to any person in the employment of the company on any line, or siding having a junction with the railway of the railway company, but not belonging to or in the occupation of any railway 20 company, in like manner as it applies to such accidents when occurring on the railway of the company, and the provisions relating to the notice of such accidents shall have effect accordingly.

Issuing
debenture
stock to
meet ex-
penses in-
curred under
this Act.

13. Where the requirements of any rules under this Act involve any expenditure by a railway company which would properly be 25 chargeable to capital account, the company may furnish to the Board of Trade an estimate of the expenditure, and thereupon the Board of Trade shall, on the application of the company, fix and determine the sum which is properly chargeable to capital account, and the company may issue debentures or debenture stock 30 in priority to or ranking *pari passu* with any existing debentures or debenture stock of the company, bearing interest at a rate not exceeding *five* per cent. per annum, to an amount not exceeding the sum so fixed and determined, and any money raised under the provisions of this section shall be applied in carrying out the 35 requirements of the rules, and to no other purpose whatsoever, and no other authority, save the certificate of the Board of Trade, shall be requisite to authorise and validate the issue of the debentures or debenture stock.

Staff,
inquiries,
and experi-
ments.

14.—(1.) The Board of Trade may (with the concurrence of the 40 Treasury as to number and salary) appoint or employ such persons as appear to them to be required for carrying this Act into effect, and may hold such inquiries, and make such experiments as they

think expedient for that purpose, but such experiments shall be made without risk or expense to the railway company, except as may be otherwise agreed, and except in case of default on the part of the railway company in carrying out such experiments. -

A.D. 1900.

5 (2.) The remuneration of any such persons, and the expenses incurred by the Board in relation to any inspection, inquiry, or experiment under this Act shall (to an amount approved by the Treasury) be defrayed out of moneys provided by Parliament.

10 (3.) It shall be the duty of every railway company to give all reasonable facilities (subject to the due working of their traffic) for conducting any experiments made by the Board of Trade for the purpose of this Act.

(4.) Where the Board of Trade hold any inquiry under this Act with reference to an objection to a proposed rule, or when any 15 objections are referred to a referee instead of to the Railway and Canal Commissioners, section three of the Board of Trade (Arbitration, &c.) Act, 1874, shall apply as if the inquiry were held, or the referee appointed on an application made in pursuance of a special Act, and the objector were a party to the application within the 20 meaning of that section.

37 & 38 Vict.
c. 40.

15. In this Act the expression "railway" means any railway used for the purposes of public traffic whether passenger, goods, or other traffic, and includes any works of the railway company connected with the railway, and the expression "railway company" includes 25 a company or person working a railway under lease or otherwise.

Definition of
"railway"
and
"railway
company."

16. If any rule made under this Act imposes an obligation on a railway company inconsistent with the terms of any lease or agreement under which the railway of that company is worked, the railway company shall not be under any liability for any 30 breach of or default in complying with the terms of any such lease or agreement so far as that breach or default is a necessary consequence of compliance with the rule.

Obligation
of railway
company
under terms
of lease or
agreement.

17. In the application of this Act to railways in Scotland and Ireland respectively, references to the Edinburgh or Dublin 35 Gazette shall, as the case may require, be substituted for references to the London Gazette, and a summary conviction under this Act shall in Scotland be subject to appeal to the court of session in manner provided by the Summary Prosecutions Appeals (Scotland) Act, 1875.

Application
to Scotland
and Ireland.

40 18. This Act may be cited as the Railway Employment Short title.
(Prevention of Accidents) Act, 1900.

A.D. 1900.

SCHEDULE

1. Brake levers on both sides of waggons.
2. Labelling waggons.
3. Movement of waggons by propping and tow roping.
4. Steam or other power brakes on engines. 5
5. Lighting of stations or sidings where shunting operations are frequently carried on after dark.
6. Protection of point rods and signal wires, and position of ground levers working points.
7. Position of offices and cabins near working lines. 10
8. Marking of fouling points.
9. Construction and protection of gauge glasses.
10. Arrangement of tool boxes and water gauges on engines.
11. Working of trains upon running lines without brake vans.
12. Protection to permanent way men when relaying or repairing 15 permanent way.

Railways (Prevention of Accidents).

A

BILL

[AS AMENDED BY THE STANDING
COMMITTEE ON TRADE, &c.]

For the better Prevention of Accidents
on Railways.

(Prepared and brought in by
Mr. Ritchie, Mr. Attorney-General, and
Mr. Solicitor-General.)

Ordered, by The House of Commons, to be Printed,
14 May 1900.

PRINTED BY EYRE AND SPOTTISWOOD,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

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JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGKINS, FISHER, & Co., LIMITED, 104, Grafton Street, Dublin.

[Price 1d.]

[Bill 198.]

Railways (Prevention of Accidents) Bill.

[AS AMENDED BY THE STANDING COMMITTEE ON TRADE, &c.
AND ON CONSIDERATION AS AMENDED.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Power to make rules as to dangerous railway operations.
2. Publication and consideration of draft rules.
3. Reference of objections to Railway Commissioners.
4. Questions to be kept in view in considering objections.
5. Making of rules.
6. Power to refer objections to referee.
7. Application of rules.
8. Power to make an order or give a direction in place of a rule.
9. Power to extend time.
10. Application to rescind or vary rules.
11. Penalties.
12. Procedure before Commissioners.
13. Inspection and notices of accidents.
14. Issuing debenture stock to meet expenses incurred under this Act.
15. Staff, inquiries, and experiments.
16. Definition of "railway" and "railway company."
17. Obligation of railway company under terms of lease or agreement.
18. Provision against double notices, double inspections, &c.
19. Application to Scotland and Ireland.
20. Short title.

SCHEDULE.

△

BILL

[AS AMENDED BY THE STANDING COMMITTEE ON TRADE, &c.,
AND ON CONSIDERATION AS AMENDED]

FOR

The better Prevention of Accidents on Railways.

A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 1.—(1.) The Board of Trade may, subject to the provisions of this Act, make such rules as they think fit with respect to any of the subjects mentioned in the schedule to this Act, with the object of reducing or removing the dangers and risks incidental to railway service. Power to make rules as to dangerous railway operations.
- (2.) Where the Board of Trade consider that avoidable danger to persons employed on any railway arises from any operation of railway service (not being a matter in respect to which rules may be made under the foregoing provisions of the section), whether that danger arises from anything done or omitted to be done by the railway company or any of its officers or servants, or from any want of proper appliances or plant, they may, subject to the provisions of this Act, after communicating with the railway company, and giving them a reasonable opportunity of reducing or removing the danger or risk, make rules for that purpose.
- (3.) The Board of Trade may, by any rules made under this section, require amongst other matters the use of any plant or appliance which has been shown to the satisfaction of the Board of Trade to be calculated to reduce danger to persons employed on a railway, or the disuse of any plant or appliance which has been similarly shown to involve such danger.
- (4.) The Board of Trade shall, by any rule made by them under this section, give a reasonable time for carrying out the requirements of the rule.
- 2.—(1.) When the Board of Trade propose to make any rules under this Act, the Board shall publish in the London Gazette, Publication and consideration of draft rules.
- [Bill 246.] A

A.D. 1900.

notice of the proposal to make the rules, and of the place where copies of the draft rules may be obtained, and of the time, not being less than one month, within which any objection or suggestion made with respect to the draft rules by or on behalf of persons affected must be lodged with the Board, and shall take such other 5 steps as they think best adapted for giving information with respect to those matters to persons affected.

(2.) The Board of Trade shall consider any objection or suggestion made by or on behalf of persons appearing to them to be affected which is lodged within the required time, and give to 10 any person lodging any such objection or suggestion an opportunity of communicating with the Board on the matter.

(3.) The Board of Trade may modify the draft rules in such manner as may seem expedient on consideration of the objections or suggestions, and may, if they think fit, withdraw any draft 15 rule without prejudice to the power of making a new rule with respect to the same matter.

Reference of
objections to
Railway
Commis-
sioners.

3.—(1.) If, after the consideration of any such objection (including an objection relating to any matter within the discretion of the Board of Trade) the person who has made it is not satisfied 20 with the mode in which the objection is dealt with, he may, by notice in writing to the Board of Trade given within the time limited in that behalf by the Board require the Board to refer the objection to the Railway and Canal Commissioners, and the Board shall so refer the objection accordingly. 25

(2.) The Commissioners shall consider whether any objection so referred to them is reasonable or not, and if they determine that the objection is reasonable, the rule to which the objection relates shall not be made.

Questions to
be kept in
view in con-
sidering ob-
jections.

4. The Board of Trade, in considering any objection to a draft 30 rule, and the Commissioners in considering any objection referred to them, shall, amongst other matters, have regard to the question whether the requirements of the rule would materially interfere with the trade of the country, or with the necessary operations of any railway company.

Making of
rules.

5.—(1.) The Board of Trade, after the consideration of objec- 35 tions and suggestions, shall (except when they withdraw the rules) send a copy of the rules as proposed to be made to each objector, and shall fix a limit of time, not being less than one month, within which any notice requiring an objection to be referred to 40 the Commissioners is to be given to the Board.

(2.) If no such notice is given to the Board of Trade within the time so limited, the Board may make the rules as proposed to be

made, but if any such notice is given within that time the Board shall not make the rules until the Commissioners have given their decision on the objection, and have decided against it. A.D. 1900.

6. The Board of Trade shall, on being satisfied that it is the general desire of the objectors, refer to a referee appointed by the Board of Trade any objections which the Board are required to refer to the Railway and Canal Commissioners, and thereupon the referee shall take the same proceedings, and have regard to the same matters, and his decision shall have the same effect, as if the objections had been referred to the Commissioners. Power to refer objections to referee.

7. Rules made under this Act may apply either generally, or to any particular railways or class of railways, and may provide for the exemption from their operation of any specified railways or class of railways. Application of rules.

8. Where, in the opinion of the Board of Trade, the requirements of the case would be better met by a specific order or direction than by a general rule, the Board of Trade may make such an order or direction in the same manner as they may make a rule under this Act, and subject to the same provisions, and the provisions of this and any other Act shall apply as if the order or direction were a rule under this Act. Power to make an order or give a direction in place of a rule.

9. The Board of Trade may extend the time fixed by them under this Act for the making of objections or suggestions with respect to draft rules, or the giving of a notice requiring an objection to be referred to the Commissioners in the case of any objection, suggestion, or notice, if it is shown to their satisfaction that the extension of time is justified by the special circumstances of the case. Power to extend time.

10.—(1.) Any person affected by any rule, order, or direction made under this Act, which has been in operation for a period exceeding six months, may apply to the Board of Trade to rescind or vary the same. Such application shall be made in writing and shall be accompanied by a statement of the grounds upon which it is made. Application to rescind or vary rules.

(2.) If any such application is made within eighteen months after the date on which the rule in respect of which the application is made has come into operation, and the Board of Trade decline to entertain the application, the Board of Trade shall, if requested by the person making the application, refer it to the Railway and Canal Commissioners, and the Commissioners shall consider and decide whether the application is reasonable or not as if it was an

A.D. 1900. objection to a rule under this Act, and if they decide that the application is reasonable, the Board of Trade shall propose a rule to meet it.

Penalties. **11.—(1.)** If any railway company or other company or person acts in contravention of, or fails to comply with, any rule under this 5 Act, then—

(a) the company or person shall be liable for each offence on conviction under the Summary Jurisdiction Acts to a fine not exceeding fifty pounds, or in the case of a continuing offence to a fine not exceeding ten pounds for every day during which 10 the offence continues after conviction ; or

(b) on the application of the Board of Trade, compliance with the rule may be enforced by the Railway and Canal Commissioners as if the rule were an order made by those Commissioners in the exercise of their statutory jurisdiction. 15

(2.) A summary conviction for an offence under this section shall be subject to an appeal to a court of quarter sessions in manner provided by the Summary Jurisdiction Acts.

Procedure
before Com-
missioners.

12. The proceedings on and incidental to the consideration of an objection by the Railway and Canal Commissioners under this 20 Act shall be conducted in accordance with rules made by the Commissioners, and provision may be made by those rules for the consideration of any matter either by a single Commissioner or by a Commissioner or Commissioners, with one or more assessors ; for the award of costs where in the opinion of the Commissioners a 25 requirement to refer an objection to the Commissioners is frivolous and vexatious, and for hearing any persons the Commissioners think fit to hear either in support of or in opposition to an objection.

Inspection
and notices
of accidents.

13.—(1.) The powers of the Board of Trade for the inspection of railways shall include power to inspect any railway for the 30 purpose of ascertaining whether there is any ground for proceeding under this Act, or whether there has been any contravention of or default in compliance with any rule made under this Act.

(2.) The duty of a railway company to give notice of accidents shall apply to accidents attended with loss of life or personal 35 injury to any person in the employment of the company on any line, or siding having a junction with the railway of the railway company, but not belonging to or in the occupation of any railway company, in like manner as it applies to such accidents when occurring on the railway of the company, and the provisions relating 40 to the notice of such accidents shall have effect accordingly.

14. Where the requirements of any rules under this Act involve any expenditure by a railway company which would properly be chargeable to capital account, the company may furnish to the Board of Trade an estimate of the expenditure, and thereupon the Board of Trade shall, on the application of the company, fix and determine the sum which is properly chargeable to capital account, and the company may issue debentures or debenture stock in priority to or ranking *pari passu* with any existing debentures or debenture stock of the company, bearing interest at a rate not exceeding five per cent. per annum, to an amount not exceeding the sum so fixed and determined, and any money raised under the provisions of this section shall be applied in carrying out the requirements of the rules, and to no other purpose whatsoever, and no other authority, save the certificate of the Board of Trade, shall be requisite to authorise and validate the issue of the debentures or debenture stock.

A.D. 1900.

Issuing
debenture
stock to
meet ex-
penses in-
curred under
this Act.

15.—(1.) The Board of Trade may (with the concurrence of the Treasury as to number and salary) appoint or employ such persons as appear to them to be required for carrying this Act into effect, and may hold such inquiries, and make such experiments as they think expedient for that purpose.

Staff,
inquiries,
and experi-
ments.

(2.) Subject to the provisions of this Act the remuneration of any such persons, and the expenses incurred by the Board in relation to any inspection, inquiry, or experiment under this Act shall (to an amount approved by the Treasury) be defrayed out of moneys provided by Parliament.

(3.) It shall be the duty of every railway company to give all reasonable facilities (subject to the due working of their traffic) for conducting any experiments made by the Board of Trade for the purpose of this Act, but such experiments shall be made without risk or expense to the railway company except as may be otherwise agreed, and except in case of default on the part of the railway company in conducting the experiments.

(4.) Where under this Act any objections are referred to a referee instead of to the Railway and Canal Commissioners, section three of the Board of Trade (Arbitrations, &c.) Act, 1874, shall apply as if the referee was appointed on an application made in pursuance of a special Act, and the objectors were parties to the application within the meaning of that section.

37 & 38 Vict.
c. 40.

(5.) Where the Board of Trade hold a special inquiry with reference to an objection to a proposed rule on the application of the objector, the person appointed to hold the inquiry may, if on

A.D. 1900. the inquiry it appears to him that the circumstances were not such as to render a special inquiry necessary, order the objector to pay the whole or any part of the costs certified by the Board to have been incurred by them in holding the special inquiry, and any amount so ordered to be paid may be recovered as a debt due to the Crown. 5

Definition of
"railway"
and
"railway
company."

16. In this Act—

The expression "railway" means any railway used for the purposes of public traffic whether passenger, goods, or other traffic, and includes any works of the railway company 10 connected with the railway; and

The expression "railway company" includes a company or person working a railway under lease or otherwise.

Obligation
of railway
company
under terms
of lease or
agreement.

17. If any rule made under this Act imposes an obligation on a railway company inconsistent with the terms of any lease or 15 agreement under which the railway of that company is worked, the railway company shall not be under any liability for any breach of or default in complying with the terms of any such lease or agreement so far as that breach or default is a necessary consequence of compliance with the rule. 20

Provision
against
double
notices,
double in-
spections,
&c.

18. Nothing in this Act shall require notice of accidents to be given in cases where such a notice is required to be given under any Act relating to factories or mines, or authorise any inspection, inquiry, or investigation to be made where an inspection, inquiry, or investigation may be made with respect to the same matter for 25 the same purpose under any other Act by, or by any officer of, a Government Department.

Application
to Scotland
and Ireland.

19.—(1.) In the application of this Act to railways in Scotland and Ireland respectively, references to the Edinburgh or Dublin Gazette shall, as the case may require, be substituted for references 30 to the London Gazette.

(2.) In the application of this Act to railways in Scotland, the following modifications shall be made :—

The expression "Summary Jurisdiction Acts" mean the Summary Jurisdiction (Scotland) Acts; 35

The jurisdiction conferred by this Act shall be exercised solely by the sheriff, and shall be held to be civil within the meaning of the twenty-eighth section of The Summary Procedure Act, 1864. The sheriff shall upon request of any party to the cause take notes of the evidence, and any party, if dissatisfied 40

with the sheriff's judgment as erroneous either in point of law or of fact, may appeal there against to either division of the Court of Session, which appeal shall be heard summarily by the said division, whose judgment shall be final. The Court of
5 Session may, if it thinks fit, by act of sederunt regulate the form and time of presentation of such appeals.

A.D. 1900.
—

20. This Act may be cited as the Railway Employment Short title.
(Prevention of Accidents) Act, 1900.

SCHEDULE.

- 10 1. Brake levers on both sides of waggons.
2. Labelling waggons.
3. Movement of waggons by propping and tow roping.
4. Steam or other power brakes on engines.
5. Lighting of stations or sidings where shunting operations are
15 frequently carried on after dark.
6. Protection of point rods and signal wires, and position of ground levers working points.
7. Position of offices and cabins near working lines.
8. Marking of fouling points.
- 20 9. Construction and protection of gauge glasses.
10. Arrangement of tool boxes and water gauges on engines.
11. Working of trains upon running lines without brake vans beyond the limits of stations.
12. Protection to permanent way men when relaying or repairing
25 permanent way.

Railways (Prevention of Accidents).

A

B I L L

[AS AMENDED BY THE STANDING
COMMITTEE ON TRADE, &c.,
AND ON CONSIDERATION AS AMENDED]

For the better Prevention of Accidents
on Railways.

*(Prepared and brought in by
Mr. Ritchie, Mr. Attorney-General, and
Mr. Solicitor-General.)*

*Ordered, by The House of Commons, to be Printed,
14 June 1900.*

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

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JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
40, West Nile Street, Glasgow; or
HODGKIN, FRIGGIE, & Co., LIMITED, 104, Grafton Street, Dublin.

[Price 1½d.]

[Bill 246.]

LORDS AMENDMENTS
TO THE
RAILWAYS (PREVENTION OF ACCIDENTS)
BILL.

[The page and line refer to Bill 121 as first printed by the Lords.]

Page 3, line 29, leave out (" order or direction ")
line 31, leave out (" six ") and insert (" three ")
lines 31 and 32, leave out (" rescind or vary ") and insert
(" make a rule rescinding or varying ")

Page 4, line 41, after (" accordingly ") insert :—

(" (3.) Where any line or siding is used in connection with a factory, workshop, or mine, and is neither part of the factory, workshop, or mine, nor a railway within the meaning of this Act, the occupier of the factory or workshop, or the agent, occupier, or manager of the mine, shall be under the same obligation to give notice of accidents occurring on the line or siding to persons employed in the factory, workshop, or mine as a railway company in the case of accidents occurring on a railway; but the notice shall be given to the Secretary of State, and the Secretary of State shall have the same powers and duties with respect to inquiries and investigations and the appointment of an assessor to the coroner as the Board of Trade has in similar cases.")

Page 5, line 8, leave out (" in priority to or ")

Page 6, line 36, after (" The ") insert (" summary ")

Page 7, line 22, leave out (" upon running lines ") and after
(" vans ") insert (" upon running lines ")

[Bill 299.]

LORDS AMENDMENTS
TO THE
RAILWAYS (PREVENTION OF
ACCIDENTS) BILL.

Ordered, by The House of Commons, to be Printed,
16 July 1900.

PRINTED BY HYDE AND SPOTTISWOODE,
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80, West Nile Street, Glasgow; or
HODGKIN, FISHER, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 299.]

A

B I L L

TO

Authorise the transfer to the Secretary for Scotland of certain powers and duties under the Acts relating to Reformatory and Industrial Schools. A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

- 5 1.—(1.) The Secretary of State may, with the concurrence of the Treasury and the Secretary for Scotland, make orders transferring to, or making exerciseable by, the Secretary for Scotland all or any of the powers and duties of the Secretary of State under any of the Acts, general or local, relating to reformatory and
10 industrial schools, so far as those powers and duties relate to or are exerciseable in Scotland.
- (2.) Orders made under this section shall be forthwith laid before Parliament, and the Rules Publication Act, 1893, shall notwithstanding subsection five of section one of that Act, apply to them
15 as statutory rules, and publication in the Edinburgh Gazette of the notice required by the said section one shall be requisite in addition to publication in the London Gazette.

Orders for transferring to Secretary for Scotland certain powers relating to reformatory and industrial schools.

56 & 57 Vict. c. 66.

2. This Act may be cited as the Secretary for Scotland Act, 1900, and may be cited with the Secretary for Scotland Acts,
20 1885 to 1889.

[Bill 139.]

THE UNIVERSITY OF CHICAGO PRESS

Reformatory and Industrial Schools (Scotland).

A

B I L L

To authorise the transfer to the Secretary for Scotland of certain powers and duties under the Acts relating to Reformatory and Industrial Schools.

(*Prepared and brought in by*
Mr. Jesse Collings,
Secretary Sir Matthew White Ridley, and
The Lord Advocate.)

Ordered, by The House of Commons, to be Printed,
22 March 1900.

PRINTED BY EYRE AND SPOTTISWOODE,
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90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.

[*Price 4d.*]

[Bill 139.]

A
B I L L

TO

Amend the Law relating to the Qualification and
Registration of Electors at any Election in England
and Wales. A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1. Notwithstanding anything contained in the thirty-sixth section of the Act of the second year of King William the Fourth, chapter forty-five, or in any other Act, no person shall be disqualified from being registered as a voter at any election by reason of having received parochial relief which has been paid to
- 10 him during any time or times amounting in the aggregate in any one qualifying period to less than *one month*, or which has been paid to him for or in respect of work or labour done during any time or times for or on behalf of the guardians of the poor.
- 15 2. This Act may be cited as the Registration of Electors Act, 1900, and shall apply to voters who may qualify during the qualifying periods terminating on the *fourteenth day of July one thousand nine hundred* or during any subsequent qualifying period.

Amendment
of 2 & 3
Will. 4.
c. 45. s. 36.

Short title
and com-
mencement

1700

Registration of Electors.

A

B I L L

To amend the Law relating to the
Qualification and Registration of
Electors at any Election in England
and Wales.

(*Prepared and brought in by*
Mr. McKenna, Sir William Harcourt,
Mr. Samuel Evans, Mr. Brynmor Jones,
Mr. Alfred Thomas, and Mr. D. A. Thomas.)

Ordered, by The House of Commons, to be Printed,
6 February 1900.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

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JOHN MESSYAS & CO., 19, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & CO., Limited, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 68.]

Registration of Firms Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
2. Commencement of Act.
3. Interpretation of terms.
4. Firms and persons to be registered.
5. Manner and particulars of registration.
6. Particulars to be written by persons registering, and to be attested.
7. Time for registration.
8. Registered name always to be used.
9. Registration of changes in firm.
10. Re-registrations on change of trade-name.
11. Penalty for default in registration.
12. Persons in default bringing action shall be ordered by court to register.
13. Making false returns under this Act to be misdemeanor.
14. Registrar to file statement and issue certificate of registration.
15. Register and index to be kept.
16. Registrar of joint stock companies to be registrar under this Act.
17. Inspection of statements registered.
18. Abstract of statements to be sent in certain cases to county courts, sheriffs' courts, and civil bill courts.
19. Power for Board of Trade to make rules.
20. Power for Board of Trade to appoint additional officers.
21. Remuneration for additional duties of registrars.
22. Application of fees.
23. Forms.

SCHEDULE.

A
B I L L

FOR

The Registration of Firms.

A.D. 1900.

WHEREAS it is expedient to provide for the registration of firms and of persons carrying on business under names or styles other than their own :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as the Registration of Firms Act, 1900. Short title.

2. This Act shall come into operation on the *first day of January, one thousand nine hundred and one*, which date is herein-after referred to as the commencement of this Act. Commence-
ment of Act.

3. In the construction of this Act the following words and expressions shall have the meanings in this section assigned to them, unless there be something in the subject or context repugnant to such construction : Interpreta-
tion of terms.

“ Firm ” shall mean any two or more persons lawfully associated for the purpose of carrying on any business, in common with a view of profit, but shall not include a company incorporated by or in pursuance of any Act of Parliament, Letters Patent, or Royal Charter :

“ Trade-name ” shall mean the name or style under which any business is carried on, whether in partnership or otherwise :

“ Prescribed ” shall mean prescribed by rules made in pursuance of this Act :

“ Usual name ” shall include a signature habitually used for business purposes.

4. From and after the commencement of this Act—

(a.) Every firm carrying on business or having any place of business in the United Kingdom, under a trade-name which Firms and
persons to be
registered.

[Bill 10.]

A

A.D. 1900.

does not consist of the full or the usual names of all the partners or all the acting partners without any addition ;

- (b.) Every person carrying on business or having any place of business in the United Kingdom, under any trade-name consisting of or containing any name or addition other than 5 the full or the usual name of that person ;

shall register in the manner directed by this Act the name under which their or his business is or is intended to be carried on.

Manner and particulars of registration.

5. Registration under this Act shall be effected by sending by post or delivering to the registrar at the register office in that part 10 of the United Kingdom in which the place of business of the firm or person registering is or is intended to be situated, a statement in writing containing the following and any other prescribed particulars :

- (a.) The trade-name. 15
- (b.) The general nature of the business.
- (c.) The place or places of the business.
- (d.) The full name, usual residence, and other occupation (if any) of the person or persons carrying on or intending to carry on the business. 20
- (e.) If the business is commenced, or any new place of business is established after the commencement of this Act, the date of the commencement of the business or establishment of the place of business.

Particulars to be written by persons registering, and to be attested.

6. The persons carrying on, or intending to carry on any business 25 under a trade-name required to be registered as aforesaid, shall write and sign, or shall acknowledge the above-mentioned statement of the particulars required for registration, if in the United Kingdom, in the presence of a justice of the peace, sheriff, solicitor, law agent, or writer to the signet, and if abroad, in the presence of a British 30 consul or notary public, by whom respectively such signatures or acknowledgments shall be attested.

Time for registration.

7. The firms and persons required to be registered as aforesaid shall register before they commence business.

Provided that if such firms or persons have carried on business 35 before the commencement of this Act it shall be sufficient if they register within *one month* after that date.

Registered name always to be used.

8. The name of any firm or person registered under this Act shall be used in all matters connected with or relating to the business carried on by such firm or person. 40

9. Where a change occurs in the constitution of a registered firm, the members of the firm as re-constituted shall, within *one month* after such change, send by post or deliver to the registrar a statement thereof in the form in the schedule to this Act annexed 5 (or in any other prescribed form).

A.D. 1900.

Registration of changes in firm.

10. A registered firm changing its trade-name shall be registered as if it were a new firm, and the statement sent or delivered to the registrar shall mention the former name of the firm as being abandoned by it, as well as the particulars required for a new registration.

Re-registrations on change of trade-name.

11. If any person by this Act required to send or deliver any statement shall make default without reasonable excuse in sending or delivering the same in manner and within the time specified by this Act, he shall, for every day during which the default continues, 15 be liable on summary conviction before two justices of the peace to a fine not exceeding *one pound*.

Penalty for default in registration.

12. Where any firm or person by this Act required to send or deliver any statement to the registrar has therein made default, and during the default commences any action in the trade-name, 20 or for a cause of action arising out of any dealing by such firm or person in the trade-name, the court shall order the firm or person in default to send or deliver to the registrar the proper statement, and may stay all proceedings in the action until the order be complied with, or allow proceedings to be continued on an under- 25 taking to comply with the order within a time to be limited by the court. The power by this section given to the court may be exercised by a judge at chambers, and by a master or district registrar exercising the authority or jurisdiction of a judge at chambers.

Persons in default bringing action shall be ordered by court to register.

30 13. Every one commits a misdemeanor, and shall be liable to imprisonment with hard labour for a term not exceeding *two years*, who makes, signs, sends, or delivers for the purpose of registration under this Act any false statement purporting to be made under this Act and known by him to be false.

Making false returns under this Act to be misdemeanor.

35 14. On receiving any statement made in pursuance of this Act the registrar shall cause the same to be filed, and he shall send by post or deliver a certificate of the registration thereof to the firm or person registering.

Registrar to file statement and issue certificate of registration

15. At each of the register offices herein-after referred to the 40 registrar shall keep, in proper books to be provided for the purpose,

Register and index to be kept.

A.D. 1900. — a register and an index of all the firms and persons registered, and of all the statements registered in reference thereto.

Registrar of joint stock companies to be registrar under this Act.

16. The registrar of joint stock companies shall be the registrar of firms for the purposes of this Act, and the several offices for the registration of joint stock companies in London, Edinburgh, and 5 Dublin shall be the offices for the registration of firms carrying on business within those parts of the United Kingdom in which they are respectively situated.

Inspection of statements registered.

17. Any person may inspect, make extracts from, or copies of the statements filed by the registrar in the register offices aforesaid, 10 and there shall be paid for such inspection such fees as may be appointed by the Board of Trade not exceeding *one shilling* for each inspection; and any person may require a certificate of the registration of any firm or person, or a copy of or extract from any registered statement to be certified by the registrar, and there shall 15 be paid for such certificate of registration, certified copy, or extract such fees as the Board of Trade may appoint not exceeding *two shillings* for the certificate of registration, and not exceeding *sixpence* for each folio of seventy-two words, or in Scotland for each sheet of two hundred words. 20

A certificate of registration, or a copy of or extract from any statement registered under this Act, purporting to be signed and certified by the registrar, shall in all courts and before all arbitrators or other persons be admitted as *prima facie* evidence thereof, and of the fact and date of registration as shown thereon. 25

Abstract of statements to be sent in certain cases to county courts, sheriffs courts, and civil bill courts.

18. The registrar or other officer in charge of the register shall, within *seven days* after the registration of any statement under this Act, send an abstract thereof in the prescribed form to the officials herein-after mentioned, whenever it shall appear that any of the places of business therein described or referred to are situated 30 within the jurisdiction of the courts to which such officials are attached; (that is to say,)

- (a.) When the registration is in England, to the registrars of county courts (exclusive of those attached to county courts within the London bankruptcy district, as defined by the 35 Bankruptcy Act, 1883):
- (b.) When in Scotland, to the sheriff clerks of the sheriffs courts:
- (c.) When in Ireland, to the clerks of the peace or other officials whose duty it is to enter up judgments, decrees, or orders of 40 the civil bill courts.

Every abstract so transmitted shall be filed, kept, and indexed by the official to whom it has been sent, and any person may inspect, make extracts from or copies of the same, or obtain certified copies thereof in the like manner and upon the like terms as at the register offices in London, Edinburgh, and Dublin.

19. The Board of Trade may, either before or after the commencement of this Act, and thereafter from time to time, make rules and revoke or alter rules when made (but as to fees with the concurrence of the Commissioners of the Treasury) concerning any of the following matters :

- (a.) The fees to be paid to the registrar under this Act, so that they do not exceed the sum of *five shillings* for the registration of any one statement :
- (b.) The mode of payment and the application of fees payable under this Act :
- (c.) The duties or additional duties to be performed by any registrar for the purposes of this Act :
- (d.) Generally the conduct and regulation of registration under this Act, and any matters incidental thereto.

20. The Board of Trade may from time to time appoint such additional assistant registrars, clerks, and servants as they may think necessary for the registration of firms under this Act, and may remove them at pleasure.

21. *There shall be paid out of moneys to be provided by Parliament to the registrar, assistant registrars, clerks, and servants, such remuneration in respect of the additional duties performed by them under this Act as the Board of Trade may from time to time with the concurrence of the Commissioners of the Treasury direct.*

22. Subject to any rules to be made under this Act, all fees payable under this Act shall be paid and applied in the same manner as fees paid under the Companies Act, 1862, or any Act amending the same.

23. For the purpose of making the statements required by this Act, the forms in the schedule to this Act or any prescribed forms to the like effect may be used, and if used shall be sufficient.

A.D. 1900.

Power for Board of Trade to make rules.

Power for Board of Trade to appoint additional officers.

Remuneration for additional duties of registrars.

Application of fees.

Forms.

A.D. 1900.

SCHEDULE.

FORMS OF STATEMENT.

A. Original Registration of a Firm.

The trade-name is
 The business of the firm or person is 5
 It is intended to carry on the business at
 Names of persons carrying on [or intending to carry on] the business.
 Full name Usual residence Other occupation,
 (to be written or description and addition
 acknowledged by (if any). 10
 each person
 himself).
 Date of intended commencement of business or establishment of new place
 of business, if after the commencement of the Act.
 Signed and declared 15
 at
 on the day of 19 .
 Before me
 *A justice of the peace for
 *British consul at 20
 *Notary public of

*As the case
may be.Registered
trade-name
& Co.*B. Notice of Change in constitution of registered Firm.*

We the undersigned [*the members of the firm as re-constituted*] hereby give
 notice that on the day of 19 , the following
 change took place in the constitution of the firm registered by the name of 25
 & Co., that is to say :

*As the case
may be.

*A.B. retired from the firm.
 *C.D. became a member of the firm.

†As upon an
original
registration.*Description of a new Member.†*

Full name Usual residence Other occupation, 30
 description, and
 additions (if any).

Signed and declared, &c.

Registered
trade-name
& Co.*C. Notice of Change of registered Trade-name.**(In addition to Form A.)*

35

The persons now registering are the persons who heretofore carried on
 business under the registered trade-name of & Co.,
 which is abandoned as from the date of this notice.

Registration of Firms.

A

B I L L

For the Registration of Firms.

*(Prepared and brought in by
Mr. Emmott, Mr. Monk, Mr. Oldroyd,
Sir James Rankin, and Mr. Philip Stanhope.)*

*Ordered, by The House of Commons, to be Printed,
2 February 1900.*

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[*Price 1s*d*.*]

[Bill 10.]

A

B I L L

INTITULED

An Act to amend the Reserve Forces Act, 1882.

A.D. 1900.

[NOTE.—*The words enclosed in brackets and underlined are proposed to be inserted in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1. Men in the second division of the first class of the army reserve shall be liable to be called out on permanent service, notwithstanding that directions have not been given for calling out the whole of the first division on such service ; and, accordingly, in section three of the Reserve Forces Act, 1882, the words “and in
10 “ the event of such direction being given men in the second “ division shall not be liable to be called out on permanent service “ until directions have been given for calling out the whole of the “ first division on such service,” shall be repealed.
- Amend-
ment of
45 & 46 Vict.
c. 48. s. 3.
as to calling
out on
permanent
service.
- 45 & 46 Vict.
c. 48.
- 15 Provided that this section shall not apply to a man who entered the said second division before the first day of June nineteen hundred, except with his consent.

2. Subsection four of section ten of the Reserve Forces Act, 1882, shall be subject to the following proviso :

Provided that—

- 20 (a) the rank of any such man shall not be lower than that to which he was entitled in the army immediately before he was released from permanent service ; and
- (b) if, whilst on permanent service his rank has been reduced below that to which he was entitled before being called out on permanent service, and continues below that rank until the time when he is released from permanent service, his rank in the militia shall be correspondingly reduced ; and
- 25 [Bill 276.]
- Amend-
ment of
45 & 46 Vict.
c. 48. s. 10,
as to rank
of militia
reservist on
return to
militia.

A.D. 1900.
—

(c) if, being of a rank above that of a private in the militia, he has served on permanent service as a private, and whilst so serving has been awarded any punishment which had he at the time held the rank which he held in the militia would have involved reduction to a lower rank, his rank in the 5 militia on his being released from permanent service shall be reduced accordingly ; and

[(d) if under the foregoing provisions the rank of any such man in the militia is raised or reduced above or below that which he held before he entered on permanent service, his pay shall 10 be correspondingly raised or reduced.]

Short title.

3. This Act may be cited as the Reserve Forces Act, 1900.

Reserve Forces. [H.L.]

A

B I L L

INTITULIED

An Act to amend the Reserve Forces
Act, 1882.

{Brought from the Lords 28 June 1900.}

*Ordered, by The House of Commons, to be Printed,
2 July 1900.*

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80, West Nile Street, Glasgow; or
HODDER, PIGER, & Co., Limited, 104, Grafton Street, Dublin.

[Price 3d.]

[Bill 276.]

Rivers Pollution Prevention Bill.

MEMORANDUM.

The principal object of this Bill is to improve the law for preventing the pollution of streams by extending to county councils, joint committees, and rivers boards in England the main provisions of the Mersey and Irwell Act of 1892 (55 & 56 Vict. c. cxc.) and the West Riding of Yorkshire Rivers Act of 1894 (57 & 58 Vict. c. clxvi.) referred to in the marginal notes as the Mersey and Irwell Act and the West Riding Act respectively. Many provisions are in both Acts, although one reference only is given.

New clauses and provisoes are added :—

- (1.) To prevent the pollution of streams by canals (cl. 7) ;
- (2.) To qualify justices to act, though they are ratepayers (cl. 14) ;
- (3.) To empower any local authority to contribute to the expenses of a prosecution by any other authority (cl. 17 (2)) ;
- (4.) To empower the Local Government Board to order in certain cases the rating of areas specially benefited (cl. 19, proviso).

1900.

Rivers Pollution Prevention Bill.

ARRANGEMENT OF CLAUSES

Clause.

1. Short title of Act.
2. Extent of Act.

PART I.—SOLID MATTERS.

3. Prohibition of putting solid matter into streams.

PART II.—LIQUID SEWAGE POLLUTION.

4. Prohibition of sending liquid sewage into streams.
5. Power to grant time for execution of works in case of existing pollutions.

PART III.—LIQUID MANUFACTURING AND OTHER POLLUTION.

6. Prohibition of sending polluting liquid from manufactory into streams.
7. Prohibition of sending polluted liquid from canals into streams.
8. Restrictions on proceedings under this part of this Act.

PART IV.—GENERAL.

Special provisions as to offences.

9. Provision as to overflow from sewers caused by unusual rainfall.
10. Notice of proceedings against sanitary authority.

Penalties and Procedure.

11. Penalty on offences against Act.
12. Powers of court of summary jurisdiction.
13. Appeal to quarter sessions and the High Court.
14. What justices may act.
15. Institution of proceedings, &c.

Local Authorities.

16. Local authority.
17. Power of local authority to enforce Act.
[Bill 124.]

Clause.

- 18. Power of entry.
- 19. Expenses of local authority.
- 20. Application of penalties.

Savings.

- 21. Saving as to water flowing from mines and collieries.
- 22. Saving of rights of impounding and diverting water.
- 23. Saving of certain Conservancy and other Acts.
- 24. Saving of works of certain local authorities.

Supplemental.

- 25. Powers of Act cumulative.
 - 26. Construction of Act.
 - 27. Repeal.
- SCHEDULE.

A
B I L L

TO

Make more effectual provision for preventing the
Pollution of Rivers and Streams.

A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5 1. This Act may be cited for all purposes as the Rivers Pollution Prevention Act, 1900. Short title of Act.

2. This Act shall not extend to Scotland or Ireland.

Extent of Act.

PART I.—SOLID MATTERS.

3. Every person who—

- 10 (a) puts or throws or causes to be put or thrown or to fall; or
 (b) knowingly permits to be put or to fall or to be carried; or
 (c) causes or knowingly permits to be put in such a position as
 to be liable to fall or to be carried

Prohibition
of putting
solid matter
into streams.
[See 39 & 40
Vict. c. 75.
ss. 2, 5, and
Mersey
and Irwell
Act, s. 2.]

15 into any stream the solid refuse of any manufactory, manufacturing
 process, brickyard, mine, pitshaft, or quarry, or any ashes, cinders,
 or clinkers, or any building rubbish or any sludge, or any solid
 sewage matter, or other waste or putrid solid matter, shall be
 deemed to have committed an offence against this Act:

20 Provided that no person shall be deemed to have committed an
 offence against this Act for doing or causing to be done any of the
 following acts, that is to say:

- 25 (i.) For constructing in or across any stream any building, weir,
 dam, or other permanent work with necessary temporary coffer-
 dams, which, but for the passing of this Act, he would have a
 legal right to construct; or
 (ii.) For pitching or depositing stones or any other suitable or
 solid materials (not likely to be washed or carried away by the
 [Bill 124.]

A.D. 1900.

stream or current rising to the line of an ordinary flood) at the side or on the bank of any stream for the express and bonâ fide purpose of reclaiming land washed away by the action of such stream, or of supporting or protecting the side or bank of such stream, or of repairing the same, or of erecting or repairing any bridge or ford, or any building, drain, sewer, or watercourse upon or within the banks of such stream, or the slopes or walls thereof, at or convenient to the point at which the same shall be so pitched or deposited; or

(iii.) For putting into any stream any sand or gravel, or other natural deposit, which shall have flowed from or been deposited by the current of such stream: Provided that the sand or gravel, or other natural deposit, so put back as aforesaid do not interfere with the due flow or pollute the waters of such stream.

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PART II.—LIQUID SEWAGE POLLUTION.

Prohibition
of sending
liquid
sewage into
streams.

[See 39 & 40
Vict. c. 75.
s. 3. Mersey
and Irwell
Act, s. 3.
56 & 57 Vict.
c. 31.]

4.—(1.) Every person who causes to fall or flow or knowingly permits to fall or flow or to be carried into any stream any liquid sewage matter shall (subject as in this Act mentioned) be deemed to have committed an offence against this Act.

20

(2.) Where any sewage matter falls or flows or is carried into any stream after passing through or along a channel which is vested in a sanitary authority, the sanitary authority shall for the purposes of this Act be deemed to knowingly permit the sewage matter so to fall or flow or be carried.

25

(3.) A person other than a sanitary authority shall not be guilty of an offence under this section in respect of the passing of sewage matter into a stream along a drain communicating with any sewer belonging to or under the control of any sanitary authority provided he has the sanction of the sanitary authority for so doing.

30

Power to
grant time
for execution
of works in
case of
existing
pollutions.

[See 39 & 40
Vict. c. 75.
s. 3. Mersey
and Irwell
Act, s. 4.]

5.—(1.) On the application of any sanitary authority which at the *passing of this Act* is committing any offence within the meaning of the last preceding section, the Local Government Board may, if having regard to all the circumstances of the case they think necessary, by order, grant time to such authority for executing any works or doing any acts necessary to prevent the commission of the offence, and during the time specified in the order (which may be extended by a subsequent order) no proceedings under the said section shall be taken by any person against the authority named in the order.

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(2.) The Local Government Board may in such order prescribe the several periods within which successive steps preliminary to and requisite for the obtaining of power to execute such works or to do such acts shall be taken by such sanitary authority and the period for executing the said works and for doing the said acts and such periods or any of them may be extended by a subsequent order.

(3.) Unless and until such sanitary authority make default in taking any such step or executing any such works or doing any such act within the time prescribed in that behalf in such order no proceedings under the said section shall be taken by any person against the authority named in the order.

A.D. 1900.

[See West Riding Act, s. 8 (2) and (3).]

PART III.—LIQUID MANUFACTURING AND OTHER POLLUTION.

6.—(1.) Every person who causes to fall or flow or knowingly permits to fall or flow or to be carried into any stream any poisonous noxious or polluting liquid other than liquid sewage matter shall (subject as in this Act mentioned) be deemed to have committed an offence against this Act.

Prohibition of sending polluting liquid from manufactory into streams.

[See 39 & 40 Vict. c. 75.

(2.) Where any such poisonous noxious or polluting liquid as aforesaid falls or flows or is carried into any stream along a channel used, constructed, or in process of construction, at the date of the passing of the Rivers Pollution Prevention Act, 1876, or any new channel constructed in substitution thereof, and having its outfall at the same spot, for the purpose of conveying such liquid, the person causing or knowingly permitting the poisonous noxious or polluting liquid so to fall or flow, or to be carried, shall not be deemed to have committed an offence against this Act if he shows to the satisfaction of the court having cognisance of the case that he is using the best practicable and reasonably available means to render harmless the poisonous noxious or polluting liquid so falling or flowing or carried into the stream.

s. 4. Mersey and Irwell Act, s. 5.] 39 & 40 Vict. c. 75.

7. If a person in whom any canal or canalised stream is vested under the provisions of any Act of Parliament or otherwise, causes or permits any poisonous noxious or polluting liquid to fall or flow or to be carried from such canal or canalised stream into any other stream, such person shall (subject as in this Act mentioned) be deemed to have committed an offence against this Act provided that such liquid shall not first have fallen or flowed or been carried into the canal or canalised stream from a stream not vested in such person.

Prohibition of sending polluted liquid from canals into streams.

A.D. 1900.

Restrictions
on proceed-
ings under
this part of
this Act.[See 39 & 40
Vict. c. 75.s. 6.
Mersey and
Irwell Act,
s. 6.]

8.—(1.) Proceedings shall not be taken under this part of this Act against any person save by a local authority, or by a person in whom a canal or canalised stream is vested in respect of the pollution of that canal or canalised stream, nor in either case without the consent of the Local Government Board.

5

(2.) A local authority shall, *one month* at least before taking proceedings under this part of this Act against any person, serve by post or otherwise on such person a written notice inviting him, if he desires to show cause why proceedings should not be taken, to appear before the local authority (or a committee of such authority), at a time and place to be specified in the notice.

(3.) If the authority, either after hearing such person by himself, agents, and witnesses, or in default of his appearance, decide that proceedings ought to be taken they shall forthwith notify their decision and the grounds thereof to such person and to the Local Government Board, and shall apply for the Board's consent.

15

(4.) The Board may hold a local inquiry into the circumstances of the case, but shall inform the authority and such person whether they give or withhold their consent before the expiration of *three months* from the date of the authority's application for it.

20

(5.) The Local Government Board shall not give their consent to such proceedings, unless they are satisfied, after local inquiry, and having regard to the reasonableness of the cost, and the effect on the industry or trade in question, that means for rendering harmless the poisonous noxious or polluting liquid are reasonably practicable and available under all the circumstances of the case.

25

PART IV.—GENERAL.

*Special provisions as to offences.*Provision as
to overflow
from sewers
caused by
unusual
rainfall.

9. Where a sanitary authority have their sewers and sewage works so constructed, maintained, and used, as efficiently to prevent the fall or flow of sewage into any stream at all times, except during or immediately after an unusual rainfall, an offence shall not be deemed to be committed under this Act in the case of an overflow from those sewers or works containing polluted matter, if it is shown to the satisfaction of the court that such overflow was caused by the unusual rainfall.

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Notice of
proceedings
against
sanitary
authority.

10. Proceedings shall not be taken against a sanitary authority for an offence under this Act, except after one month's notice has been given by post to the authority of the intention to take those proceedings.

40

Penalties and Procedure.

- 11.—(1.) Every person who commits an offence against this Act, for which no other penalty is specified, shall be liable for the first offence to a penalty not exceeding *twenty pounds*, and for a second or any subsequent offence to a penalty not exceeding *fifty pounds*, and to a penalty not exceeding *forty shillings* for every day on which the offence is continued after conviction. A.D. 1900.
Penalty on offences against Act. [See Mersey and Irwell Act, s. 7; also 39 & 40 Vict. c. 75. s. 10.]
- (2.) Offences under this Act may be prosecuted and penalties recovered in a summary manner before a court of summary jurisdiction. Powers of court of summary jurisdiction. [See Mersey and Irwell Act, s. 8.]
- (3.) Proceedings may also be taken in respect of an offence committed under this Act in the county court under the River Pollution Prevention Act, 1876, in the same manner, subject to the same provisions, and with the like powers to the county court as in the case of an offence committed against that Act, but proceedings shall not be taken both before a court of summary jurisdiction and in the county court in respect of the same offence.
- 12.—(1.) A court of summary jurisdiction, before which any person is summoned for an offence under this Act, may (without prejudice to the exercise of any other power) by order require such person to abstain from the commission of such offence, and where such offence consists in default to perform a duty under this Act, may require that person to perform such duty in manner in the said order specified. The court may insert in any order such conditions as to time or mode of action as it may think just, and may suspend or rescind any order on such undertaking being given, or condition being performed, as it may think just, and generally may give such directions for carrying into effect any order as to the court seems meet.
- (2.) Any person making default in complying with any requirement of an order of the court, under this section, shall be liable to a penalty not exceeding *fifty pounds* a day for every day during which he is default, as the court may order.
- 13.—(1.) If either party in any proceedings feels aggrieved by the decision of a court of summary jurisdiction under this Act, such party may appeal to the next practicable court of quarter sessions, holden in or for the county, borough, or place where the matter of appeal arises. Appeal to quarter sessions and the High Court. See West Riding Act, s. 14.
- (2.) If either party on an appeal to the said court of quarter sessions feels aggrieved by the decision of the said court he may appeal from that decision to the High Court in accordance with the rules of the Supreme Court for the time being.

A.D. 1900.

(3.) On the hearing of an appeal the High Court shall have power to draw any inference of fact, and may either order a new trial on such terms as the court shall think just, or may order judgment to be entered for any party as the case may be, or may make a final or other order on such terms as the High Court may think proper to ensure the determination on the merits of the real questions in controversy between the parties.

(4.) If any defendant shall desire that the questions involved in any summons shall be decided in the High Court of Justice, he may at any time within three days after the service of such summons give notice to the prosecutor of his said desire, and shall be entitled, as of course, on application to the registrar of the district of the High Court in which such defendant resides, to an order that the said summons and all proceedings thereunder shall be removed into the High Court, and be there determined by one of Her Majesty's Judges of Assize at the next practicable assizes for the county where the matter arises, from whose decision an appeal shall be to the Court of Appeal on questions of law only. The provisions of this subsection shall be carried into effect in accordance with rules of the High Court.

What justices may act.
[Cf. 38 & 39 Vict. c. 55. s. 253.]

14. No justice of the peace shall be deemed to be incapable of acting in cases arising under this Act, in which a local authority is a party, by reason of his being as one of several ratepayers, or as one of any other class of persons liable in common with the others to contribute to or be benefited by any rate or fund out of which any expenses incurred by such authority are by this Act to be defrayed.

Institution of proceedings, &c.
[See 39 & 40 Vict. c. 75. s. 8; Mersey and Irwell Act, s. 8.]

15.—(1.) Subject to the provisions of this Act, proceedings may be instituted in respect of an offence against this Act either by a local authority as provided by this Act or by any person aggrieved by the commission of the offence.

(2.) In any proceedings under this Act a local authority may act by their clerk or other officer authorised in that behalf.

Local Authorities.

Local authority.
[See West Riding Act, s. 17.]
51 & 52 Vict. c. 41.

16.—(1.) In this Act the expression "local authority" means—

- (a) as respects any area for which any joint committee, rivers board, or other representative body is for the time being constituted under section fourteen of the Local Government Act, 1888, or under any other Act, for the purpose of enforcing the laws relating to the pollution of rivers, that committee, board, or body; and
- (b) elsewhere, the council of the administrative county and also, in the case of a municipal borough, the council of the borough.

Provided that (save as herein-after mentioned) proceedings shall not be taken against any person under this Act while proceedings are pending against such person in respect of the same offence or a recurrence thereof under any other Act, and proceedings shall not
 5 be taken against any person under any other Act while proceedings are pending against such person in respect of the same offence under this Act:

Nevertheless if in any case the Local Government Board shall be of opinion on the representation of the local authority or of
 10 any person that any proceedings pending under this Act or any other Act are not being prosecuted *bonâ fide* and with due diligence they may by order authorise such other proceedings to be taken either under this Act or under any other Act and either by the local authority or by any person as having regard to all the
 15 circumstances of the case the Local Government Board may think just.

(2.) The expression "district," used in relation to a local authority, means the area within which that authority acts for the purposes of this Act.

20 (3.) A county council may, subject to the provisions of the Local Government Act, 1888, delegate to a committee or committees all or any of the powers exercisable by them as a local authority under this Act.

17.—(1.) Every local authority shall, subject to the restrictions
 25 in this Act contained, have power to enforce the provisions of this Act in relation to any stream being within or passing through or by any part of their district, and for that purpose to institute proceedings in respect of any offence against this Act affecting their district, whether such offence is committed within or without
 30 their district.

Power of local authority to enforce Act. [See 39 & 40 Vict. c. 75. s. 8. 51 & 52 Vict. c. 41. s. 14 (2).]

(2.) Any local authority shall have power to contribute towards the cost of any prosecution under this Act instituted by any other local authority.

18. For the better enforcement of the provisions of this Act it
 35 shall be lawful for any officer of or other person authorised by a local authority, to enter at any reasonable time on any land, manufactory, or other work or building, for the purpose of taking and carrying away and to take and carry away samples of any effluent at the point where it passes into any stream. Such officer or
 40 person shall leave under seal a duplicate of every sample taken by him with the owner or occupier of the premises whence the effluent flows.

Power of entry. [See Mersey and Irwell Act, s. 10.]

A.D. 1900. Any person who obstructs or molests any such officer or other person shall be liable to a penalty not exceeding *five pounds*.

Expenses of local authority.

19. The expenses incurred by a local authority in the execution of this Act shall be payable as follows:—

(a.) In the case of a joint committee, rivers board, or other representative body, in manner directed by the Order or Act constituting such committee, board, or body;

(b.) In the case of a county council the expenses shall be payable as expenses incurred in the execution of the Local Government Act, 1888;

10

(c.) In the case of a municipal borough, the expenses shall be payable as part of the general expenses of the execution by the council of the borough of the Public Health Acts;

Provided that the Local Government Board may, wherever they think the circumstances of the case make it just so to do, direct, either by a provisional order made under this Act or by an order issued on the application of a county council, that any of the expenses incurred by a county council or joint committee in the execution of this Act shall be payable as "special expenses" within the meaning of section sixty-eight of the Local Government Act, 1888, and be leviable on the sanitary districts or parishes mentioned in the order.

51 & 52 Vict.
c. 41. s. 68.

Application of penalties.
[See Mersey and Irwell Act, s. 9 (2).]

20. All penalties recovered under this Act by a local authority shall be carried to the credit of the fund out of which the expenses incurred by such authority in the execution of this Act are directed to be paid.

Savings.

Saving as to water flowing from mines and collieries.
[See Mersey and Irwell Act, s. 15.]

21. Notwithstanding anything in this Act contained no person shall be deemed to have committed an offence against this Act or be liable to any proceeding under this Act by reason or in consequence of any water flowing into a stream in the same condition as that in which such water has been drained or raised from any mine, pit, shaft, or quarry, or by reason or in consequence of any water flowing into a stream from any colliery or pit bank, or by reason or in consequence of any water so flowing which has passed through an efficient settling tank in connection with any coal washing machinery.

30

35

Saving of rights of impounding and diverting water.
39 & 40 Vict.
c. 75. s. 17.

22. This Act shall not apply to or affect the lawful exercise of any rights of impounding or diverting water.

23. Nothing in or done under this Act shall extend to, interfere with, take away, abridge, or prejudicially affect any right, power, authority, jurisdiction, or privilege given by the Thames Conservancy Act, 1894, or by the Middlesex County Council Act, 1898, 5 or by the Humber Conservancy Acts, 1852 to 1876, or by the Lee Conservancy Act, 1868, or by the Wolverhampton Corporation Act, 1891, or by the Norwich Corporation Act, 1889, or any Act or Acts extending or amending the said Acts or either of them, or affect any outfall or other works of the London County Council 10 (although outside the county of London) executed under the Metropolis Management Act, 1855, and the Acts amending or extending the same, or extend to, interfere with, take away, abridge, or prejudicially affect any right, power, authority, jurisdiction, or privilege of the London County Council, or any 15 right, power, authority, jurisdiction, or privilege of the Joint Committee, Rivers Board, or other authority appointed under the Mersey and Irwell Joint Committee Act, 1892, or the West Riding of Yorkshire Rivers Act, 1894.

A.D. 1900.

—
 Saving of
 certain Con-
 servancy
 and other
 Acts.
 [See 39 & 40
 Vict. c. 75.
 s. 18.]

24. Where any local authority or any urban or rural sanitary 20 authority has been empowered or required by any Act of Parliament to carry any sewage into the sea or any tidal waters, nothing done by such authority in pursuance of such enactment shall be deemed to be an offence against this Act.

Saving of
 works of
 certain local
 authorities.
 39 & 40 Vict.
 c. 75. s. 19.

Supplemental.

- 25 25.—(1.) The powers conferred by this Act for enforcing the punishment of offences shall not be deemed to prejudice or affect any other rights or powers of a like nature vested in any person or persons by Act of Parliament, law or custom, and such other rights or powers may be exercised in the same manner as if this Act had 30 not passed; and nothing in this Act shall legalise any act or default which would but for this Act be deemed to be a nuisance or otherwise contrary to law.

Powers of
 Act cumu-
 lative.
 [See 39 & 40
 Vict. c. 75.
 s. 16.]

- (2.) Any local authority under this Act may take for the purposes of this Act any proceedings at common law and otherwise for the 35 suppression of a nuisance.

- 26.—(1.) Expressions to which special meanings are attached by the River Pollution Prevention Act, 1876, shall, unless the context otherwise requires, the same respective meanings in this Act.

Construction
 of Act.

A.D. 1900.

(2.) Section fourteen and fifteen of the Rivers Pollution Prevention Act, 1876 (which relate to Local Government Board inquiries), shall apply with reference to inquiries instituted or directed under this Act as they apply with reference to inquiries instituted or directed under that Act.

5

(3.) Any reference in any Act or document to the Rivers Pollution Prevention Acts, 1876 and 1893, or either of these Acts, or any enactment of either of those Acts, shall, except as regards any sanitary authority which is not a local authority within the meaning of this Act, and unless the context otherwise requires, be construed as a reference to this Act, or the corresponding enactment in this Act.

10

Repeal.

27. The enactments set forth in the schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

15

SCHEDULE.

A.D. 1900.

Sessional Chapter.	Short Title.	Extent of Repeal.
5 39 & 40 Vict. c. 75. -	The Rivers Pollution Prevention Act, 1876.	Sections 2, 3, and 5, as regards England, except as regards any sanitary authority which is not a local authority within the meaning of this Act.
10 56 & 57 Vict. c. 31. -	The Rivers Pollution Prevention Act, 1893.	The whole Act as regards England, except as regards any sanitary authority which is not a local authority within the meaning of this Act.

Rivers Pollution Prevention.

A

B I L L

To make more effectual provision for
preventing the Pollution of Rivers
and Streams.

*(Prepared and brought in by
Sir Francis Powell, Mr. Wilson Todd,
Mr. Henry Hobhouse, Sir John Derington,
Sir Henry Howorth, Dr. Fargyharson,
Mr. Briggs, Sir John Brunner,
and Sir Walter Foster.)*

*Ordered, by The House of Commons, to be Printed,
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80, West Nile Street, Glasgow; or
HODGKIN, PRIEST, & CO., LIMITED, 105, Grafton Street, Dublin.

[Price 2d.]

[Bill 124.]

Roman Catholic Disabilities Removal.

MEMORANDUM.

The object of this Bill is to repeal certain penal enactments affecting only Roman Catholic religious communities of men in Great Britain and Ireland, and to place the members of those communities in the same position, in respect of the right to acquire property, as that now occupied by the members of all religious communities of women.

A
B I L L

FOR

The removal of certain Disabilities affecting Roman Catholics in Great Britain and Ireland. A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:--

5 1. Notwithstanding any Act of Parliament to the contrary, it shall be, and shall be deemed to have been, lawful for Jesuits and members of other religious orders, communities, or societies of the Roman Catholic Church (described in certain Acts of Parliament, including the Roman Catholic Relief Act, 1829, as the Church of
10 Rome) bound by monastic or religious vows, to reside in the United Kingdom.

Residence in the United Kingdom permitted to members of religious orders of the Roman Catholic Church.

2. It shall be lawful, and it shall be deemed to have been lawful, for Jesuits and members of other religious orders, communities, and societies of the said Church, consisting of men and bound by religious
15 or monastic vows, to take and acquire property in like manner and to the same extent as, but subject to such limitations and disabilities as now affect, the members of any religious order, community, or establishment consisting of females bound by religious or monastic
20 vows: Provided, however, that nothing in this Act shall extend to any property in respect of which it has been judicially determined that it was illegal for Jesuits or for members of other religious orders, communities, or societies as aforesaid to take or acquire the same: Provided also that nothing herein contained shall extend
25 to any property given by deed or will, or otherwise, to Jesuits or members of other religious orders, communities, or societies as aforesaid, which property is now in the actual possession of the person or persons beneficially entitled thereto on account of the gift of the said property having been void under the law as existing before the passing of this Act.

Power of members of religious orders to acquire property.

30 3. There shall be repealed as from the *passing of this Act* so much of any Act of Parliament as makes any provision for the

Repeal.

[Bill 30.]

A

A.D. 1900. — suppression or prohibition of Jesuits or members of other religious orders, communities, or societies as aforesaid, and also and more particularly the enactments set forth in the schedule hereto to the extent in the third column of that schedule mentioned.

Definition. 4. The expression "property" in this Act shall mean both real and personal property.

Short title. 5. This Act may be cited as the Catholic Relief Act, 1900.

SCHEDULE.

A.D. 1900.

Session and Chapter.	Short Title.	Extent of Repeal.
9 Will. 3. c. 1. -	An Act for banishing Papists.	Whole Act.
5 31 Geo. 3. c. 32. -	Roman Catholic Relief Act, 1791.	Sections five, six, eleven, fourteen, and seventeen.
10 Geo. 4. c. 7. -	Roman Catholic Relief Act, 1829.	Sections twenty-six, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six.
10 2 & 3 Will. 4. c. 115. -	Roman Catholic Charities Act, 1832.	Section four.
15 18 & 19 Vict. c. 81. -	Places of Worship Registration Act, 1855.	The whole Act so far as it applies to Roman Catholics or to Roman Catholic churches or places of worship.
20 23 & 24 Vict. c. 134. -	Roman Catholic Charities Act, 1860.	Section seven.

Roman Catholic Disabilities Removal.

A

B I L L

For the removal of certain Disabilities
affecting Roman Catholics in Great
Britain and Ireland.

(*Prepared and brought in by*
Mr. Harwin, Mr. Parnell, Mr. Dillon,
Captain Donelan, Mr. John Redmond, Mr. Blake,
Mr. T. M. Healy, Mr. Jordan,
Mr. Patrick O'Brien, Mr. MacNeill,
Sir Thomas Esmonde, and Mr. Harrington.)

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90, West Nile Street, Glasgow; or
HODGES, FRODIP, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 30.]

43 not for. W. 1881.

Sale of Intoxicating Liquors (Ireland) Bill.

MEMORANDUM.

This Bill is the same as passed by the Select Committee in the session of 1888, and reported to the House.

[Bill 49.]

a

A

B I L L

TO

Amend the Law relating to the Sale of Intoxicating Liquors in Ireland on Saturdays and Sundays, and for other purposes connected therewith. A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

5 1. The Sale of Liquors on Sunday (Ireland) Act, 1878, as amended by this Act, shall continue in force until Parliament otherwise enacts, and the provisions of the said Act in regard to closing on the whole of Sundays are hereby extended to the metropolitan police district of Dublin metropolis, and to the cities
10 of Belfast, Cork, Limerick, and Waterford.

Continuance
and extension
of
41 & 42 Vict.
c. 72.

2. It shall not be lawful for any person to sell or expose for sale intoxicating liquor, or to open or keep open any premises for the sale of the same, on Saturdays after *nine o'clock* at night; and the provisions of every Act (in regard to penalties and otherwise)
15 relating to selling or exposing for sale, or purchasing, intoxicating liquor, or opening or keeping open any premises for the sale of intoxicating liquor, or being present in or upon any such premises at any hour, shall be amended in this particular, and shall apply as if the hour of *nine o'clock* were specified therein as the
20 hour at which licensed premises are required to be closed on Saturdays. Where any business, other than the sale of intoxicating liquors, is carried on in the licensed premises the whole of such premises shall be closed at the hour aforesaid, unless the portion of the same in which such sale of intoxicating liquors is carried on
25 is structurally separated from the remainder of the building.

Closing
hours on
Saturday.

3. Nothing in this Act shall be construed to apply to sales of intoxicating liquor to lodgers, or to sale of intoxicating liquor in

Exemptions.
Bonâ fide
travellers.

[Bill 49.]

A

A.D. 1900. packet boats, or in canteens in pursuance of the Acts regulating the same, or shall preclude the sale at any time at a railway station of intoxicating liquor on arrival or departure of trains, or to bonâ fide travellers.

For the purposes of this Act and the other Acts relating to the sale of intoxicating liquors, a person shall not be deemed to be a bonâ fide traveller unless the place where he lodged during the preceding night is at least six miles distant from the place where he demands to be supplied with liquor, such distance to be calculated by the nearest public thoroughfare. 5 10

Short title
and com-
mencement.

4. This Act may be cited as the Intoxicating Liquors (Ireland) Act, 1900. This Act shall commence and come into operation on the *tenth day of October one thousand nine hundred.*

Sale of Intoxicating Liquors (Ireland).

A

B I L L

To amend the Law relating to the Sale
of Intoxicating Liquors in Ireland on
Saturdays and Sundays, and for other
purposes connected therewith.

(Prepared and brought in by
Sir Thomas Lea, Mr. Justin McCarthy,
Colonel Sanderson, Mr. Maurice Healy,
Mr. William Johnston, Mr. Jordan,
Mr. Rentoul, Mr. Eifrench, Mr. Arnold Forster,
and Mr. Pinkerton.)

Ordered, by The House of Commons, to be Printed,
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50, West Nile Street, Glasgow; or
HOBBS, FROES, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 49.]

Sale of Intoxicating Liquors on Sunday Bill.

MEMORANDUM.

It is proposed by the Bill to prohibit the sale of intoxicating liquors by retail in England during the whole of Sunday, except in the case of lodgers and bonâ fide travellers, as defined by the Licensing Acts, 1872-1874.

A
B I L L

TO

Prohibit the Sale of Intoxicating Liquors on Sunday. A.D. 1900.

WHEREAS the provisions in force against the sale of intoxicating liquors during certain hours of the Sunday have been found to be attended with great public benefits, and it is expedient to extend such provisions to the other hours of Sunday :

5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. After the *tenth day of October one thousand nine hundred*
10 all premises in which intoxicating liquors are sold or exposed for sale by retail shall be closed during the whole of Sunday, subject to the provisions (except as to the hours of closing on that day) of the Licensing Acts, 1872-1874. Closing of premises for sale of intoxicating liquors on Sunday.

2. This Act shall not apply to Scotland, Ireland, or the
15 Principality of Wales. Extent of Act.

3. This Act may be cited for all purposes as the Sunday Closing
Act, 1900. Short title.

Sale of Intoxicating Liquors on Sunday.

A

B I L L

To prohibit the Sale of Intoxicating
Liquors on Sunday.

*(Prepared and brought in by
Mr. Robert Cameron, Mr. Charles Wilson,
Mr. Perks, Sir Edward Gourley, Mr. Pickard,
Mr. Compton Rickett, Mr. Furbank,
Sir Frederick Mappin,
Mr. John Wilson (Mid Durham), Mr. Fenwick,
Mr. Woods, and Mr. Bainbridge.)*

*(Ordered, by The House of Commons, to be Printed,
2 February 1900.)*

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30, West Nile Street, Glasgow; or
HODGKINS, FRIGGS, & Co., Limited, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 12.]

A

B I L L

TO

Prevent the Sale of Intoxicating Liquors to Children. A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1. The enactments contained in section seven of the Licensing Act, 1872, and in the Intoxicating Liquors (Sale to Children) Act, 1886, are hereby repealed. Repeal.
- 10 2. Every holder of a licence who sells or delivers, or allows any person to sell or deliver, any description of intoxicating liquor to any person actually or apparently under the age of *sixteen years*, for consumption either on or off the premises, shall be liable to a penalty not exceeding *forty shillings* for the first offence, and in the case of a second or any subsequent offence to a penalty not exceeding *five pounds*. Penalty for selling intoxicating liquor to children.
- 15 3. For the purposes of all legal proceedings under the foregoing section this Act shall be construed as one Act with the Licensing Acts, 1872 to 1874. Construc-
tion.
4. This Act may be cited for all purposes as the Sale of Intoxicating Liquors to Children Act, 1900. Short title.
- 20 5. This Act shall come into operation on the *first day of January one thousand nine hundred and one*. Commence-
ment.

Sale of Intoxicating Liquors to Children.

A

B I L L

To prevent the Sale of Intoxicating
Liquors to Children.

*(Prepared and brought in by
Sir Joseph Leese, Mr. J. A. Pease,
Mr. Paulton, Mr. Scott,
Sir James Woodhouse, Sir Mark Stewart,
and Mr. William Johnston.)*

*Ordered, by The House of Commons, to be Printed,
2 February 1900.*

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90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & CO., LIMITED, 104, Grafton Street, Dublin.

[Prior &c.]

[Bill 33.]

A

B I L L

TO

Amend and extend the Law relating to the prohibition of the Sale of Intoxicating Liquors to Children; and for other purposes connected therewith. A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 5 1. The enactments contained in section seven of the Licensing Act, 1872, and in the Intoxicating Liquors (Sale to Children) Act, 1886, are hereby repealed. Repeal of previous enactments.
- 10 2. Every holder of a licence who sells or delivers, or allows any person to sell or deliver, any description of intoxicating liquors to any person apparently under the age of *sixteen years*, for consumption either on or off the premises shall be liable to a penalty not exceeding *forty shillings* for the first offence, and in the case of a second, or any subsequent offence, to a penalty not exceeding *five pounds*. Sale of liquors to children to be illegal.
- 15 3. For the purposes of all legal proceedings under the foregoing section, this Act shall be construed as one Act with the Licensing Acts, 1872 to 1874. Legal proceedings to follow the Licensing Acts, 1872 to 1874.
4. This Act may be cited for all purposes as the Intoxicating Liquors (Sale to Children) Act, 1900. Short title.
- 20 5. This Act shall come into operation on the *first day of January one thousand nine hundred and one*. Commencement of Act.

Sale of Intoxicating Liquors to Children (No. 2).

A

B I L L

To amend and extend the Law relating
to the prohibition of the Sale of
Intoxicating Liquors to Children;
and for other purposes connected
therewith.

(*Prepared and brought in by*
Mr. Souttar, Sir Robert Reid,
Sir James Hasett,
Sir Thomas Gibson-Carmichael,
Mr. Herbert Pease, Mr. Whitaker,
Mr. Herbert Roberts, Mr. Provand, and
Mr. Douglas.)

Ordered, by The House of Commons, to be Printed,
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80, West Nile Street, Glasgow; or
HODGES, FRODGS & Co., LAMITER, 104, Grafton Street, Dublin.

[*Price 4d.*]

[Bill 35.]

[63 VICT.] *Sale of Intoxicating Liquors to Children (Scotland).* 1

A
B I L L

TO

Prohibit the sale or supply of Exciseable Liquors to
Children in Scotland. A.D. 1900.

WHEREAS it is desirable to prohibit the sale of exciseable liquors in Scotland to boys or girls under sixteen years of age, whether as messengers or otherwise:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Intoxicating Liquors (Sale to Children) (Scotland) Act, 1900. Short title.

2. From and after *the passing of this Act* it shall not be lawful for any holder of a licence for the sale or supply of exciseable liquors in Scotland to sell or supply any exciseable liquor to girls or boys apparently under *sixteen years* of age, and that whether such girls or boys are acting on their own behalf or as the messenger or servant of others, or otherwise. Exciseable liquors not to be supplied or sold to children under sixteen years of age.

3. The forms of certificate for inns and hotels and for public houses set forth in Schedule A. of the Public Houses Acts Amendment (Scotland) Act, 1862, shall be amended as follows:—There shall be inserted in said certificates, in place of the words—"Girls or boys apparently under fourteen years of age," the words "Girls or boys apparently under *sixteen years* of age, and that whether such girls or boys are acting on their own behalf or as the messengers or servants of others, or otherwise." Amendment of form of certificate for inns and hotels.

[Bill 133.]

Sale of Intoxicating Liquors to Children (Scotland).

A

B I L L

To prohibit the sale or supply of
Exciseable Liquors to Children in
Scotland.

*(Prepared and brought in by
Mr. Cameron Corbett, Sir Herbert Maxwell,
Mr. J. A. Campbell, Mr. Baird, Mr. Gordon,
Mr. Hozier, Mr. McKillop, and
Mr. Orr-Ewing.)*

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93, West Nile Street, Glasgow; or
HODGES, PRIGGS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 138.]

A

B I L L

TO

Amend the Salmon Fisheries (Ireland) Acts.

A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5 1. This Act may be cited for all purposes as the Salmon Fishery (Ireland) Act, 1900. Short title.

2. This Act shall not apply to England or Scotland.

Application
of Act.

3. The thirtieth section of the Salmon Fishery (Ireland) Act, 1863, and the fourth section of the Salmon Fishery (Ireland)

Repeal.

10 Act, 1869, shall be and are hereby repealed.

4. In all the watercourses or other channels constructed for the purpose of conveying water for any purpose from any river frequented by salmon to any mill or other premises there shall be placed, fixed, maintained, and kept in thorough repair by the owner or occupier of such mill or other premises, at his own expense, at the points of divergence from and return to such river, gratings having iron bars placed vertically not more than two inches apart, so as to effectually prevent the passage of salmon into such watercourses or other channels.

Gratings in
watercourses
of mills, &c.

20 And any such owner or occupier neglecting or omitting so to place, fix, maintain, and keep in thorough repair such gratings as aforesaid shall incur a penalty not exceeding *ten pounds* and not less than *five pounds*, and a further penalty not exceeding *five pounds* for each day during which such gratings shall not be so placed, fixed, maintained, and kept in thorough repair, commencing
25 from the date of the first conviction.

[Bill 131.]

A.D. 1900.

Power of
exemption
by inspectors.

5. It shall be lawful for the Inspectors of Fisheries, on the application of the owner or occupier of any mill or other premises, after public inquiry held by them, on being satisfied that such order is necessary for the effective working of the machinery of such mill or other premises, to make in writing an order exempting such owner or occupier of such mill or other premises from the necessity of complying with the provisions of section four of this Act for such period or periods of the year and on such terms and conditions as the said inspectors may in and by such order determine. 5

A copy of any order purporting to be signed by such inspectors shall be received in evidence in all courts. 10

Gratings in
watercourses
of mills, &c.
worked by
turbines.

6. In all the watercourses or other channels constructed for the purpose of conveying water for any purpose from any river frequented by salmon to any mill or other premises the machinery of which is worked by means of a turbine or similar hydraulic machine, there shall be placed, fixed, maintained, and kept in thorough repair by the owner or occupier of such mill or other premises, at his own expense, during the descent of salmon and of the young of salmon to the sea, gratings or other devices or constructions of a form and dimensions to be approved of by the inspectors of fisheries so as to effectually prevent the passage of salmon and of the young of salmon into the machinery of such mill or other premises. 15

And any such owner or occupier neglecting or omitting so to place, fix, maintain, and keep in thorough repair such gratings or other devices or constructions as aforesaid, shall incur a penalty not exceeding *ten pounds* and not less than *five pounds*, and also a further penalty not exceeding *five pounds* for each day during which such gratings or other devices or constructions as aforesaid shall not be so placed, fixed, maintained, and kept in thorough repair, commencing from the date of the first conviction. 30

Power of
exemption
by inspectors.

7. It shall be lawful for the said inspectors of fisheries, on the application of the owner or occupier of any mill or other premises, after public inquiry held by them, on being satisfied that no injury is likely to be thereby occasioned to salmon and the young of salmon, to make in writing an order exempting such owner or occupier of such mill or other premises from the necessity of complying with the provisions of section six of this Act for such period or periods of the year and on such terms and conditions as the said inspectors may in and by such order determine. 35

A copy of any order purporting to be signed by such inspectors shall be received in evidence in all courts. 40

8. If any person shall think himself aggrieved by the decision of the said inspectors in either granting or refusing any exemption under this Act as aforesaid, then such person may appeal to the next going judges at the assizes to be held for the county or county
 5 of the city or town in which such mill or other premises is or are situated. Provided such assizes shall be held at any time not less than *thirty-one days* after the time the said inspectors shall have made any such decision. And in case such assizes shall be held
 10 within thirty-one days from the time of such decision such appeal shall be made to the assizes to be held in and for such county or county of a city or town next after such first assizes.

A.D. 1900.
 Appeal by any person aggrieved by the decision of the inspectors of fisheries.

Provided that no appeal shall be heard and determined unless the person so appealing shall within *ten days* from the date of such decision give notice in writing to the said inspectors, to the clerk
 15 of the crown and peace for such county or county of a city or town, and to the clerk of the board of conservators of the salmon fisheries district within which such mill or other premises is or are situated, and to the owner or occupier of such mill or other premises (where such owner or occupier is not the appellant) of his intention to
 20 prosecute such appeal.

And the said judges at such assizes, or any adjournment thereof, upon proof of such notice having been given, are hereby empowered and required to hear and determine the matter of such appeal, and to confirm, reverse, vary, or alter the said decision of the said
 25 inspectors, and to award such costs and expenses of witnesses as they may think reasonable.

9. A board of conservators, with the consent of the inspectors of fisheries, may adopt such means as they shall approve for preventing the ingress of salmon into streams in which they or their
 30 spawning beds are from the nature of the channel liable to be destroyed, but so that no water rights used or enjoyed for the purposes of manufacture, or agricultural purposes, or drainage, or navigation, shall be prejudicially interfered with thereby.

Board may place gratings at mouth of streams

10. The Acts enumerated in the schedule to this Act annexed
 35 shall be incorporated with this Act and construed together as one Act, except where and to the extent the provisions thereof are altered by this Act or are repugnant thereto or have been repealed by any statute.

Incorporation of Acts.

A.D. 1900.

SCHEDULE.

5 & 6 Vict. c. 106.
 7 & 8 Vict. c. 108.
 8 & 9 Vict. c. 108.
 11 & 12 Vict. c. 92.
 13 & 14 Vict. c. 88.
 26 & 27 Vict. c. 114.

29 & 30 Vict. c. 88.
 29 & 30 Vict. c. 97.
 32 Vict. c. 9.
 32 & 33 Vict. c. 92.
 54 & 55 Vict. c. 20.

5

Salmon Fisheries (Ireland) Acts Amendment.

A

B I L L

To amend the Salmon Fisheries
(Ireland) Acts.

*(Prepared and brought in by
Mr. Seton Karr, Mr. Cornallie, Dr. Rentoul,
and Mr. Tomlinson.)*

*Ordered, by The House of Commons, to be Printed,
16 March 1900.*

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[Price 3d.]

[Bill 131.]

Savings Banks and Friendly Societies Bill.

ARRANGEMENT OF CLAUSES.

Provisions as to Rate of Interest and Finance.

Clause.

1. Determination of the rate of interest in each year by the Treasury.
2. Reserve accounts.
3. Interest on investment of amounts under 43 & 44 Vict. c. 36. to be treated as income.

Amendments of Trustee Savings Banks Acts.

4. Auditors.
5. Purchase, sale, &c. of land.
6. Superannuation allowances to officers.
7. Expenses of penny banks.

Supplemental.

8. Interpretation.
9. Repeal.
10. Short title.

SCHEDULE.

[Bill 212.]

a

A

B I L L

TO

Amend the Law with respect to the rate of Interest payable on Deposits in the Post Office Savings Bank, and on money invested with the National Debt Commissioners on behalf of Trustee Savings Banks and Friendly Societies, and for other purposes connected with Trustee Savings Banks.

A.D. 1900,

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5 *Provisions as to Rate of Interest and Finance.*

1.—(1.) The Treasury shall by order annually determine for the ensuing year the several rates of interest to be paid—

Determina-
tion of the
rate of
interest in
each year
by the
Treasury.

- (a) to depositors in the Post Office Savings Bank on their deposits whether made before or during that year; and
- 10 (b) to trustees of trustee savings banks on the receipts issued to them by the National Debt Commissioners whether before or during that year in respect of money paid by them into the Bank of England or Ireland; and
- 15 (c) to any friendly society on the receipts issued to that society in respect of money invested with the National Debt Commissioners other than money invested on account of any assurance made on or before the twenty-eighth of June one thousand eight hundred and eighty-eight, by a society which had invested funds with the Commissioners before the
- 20 first of January one thousand eight hundred and ninety-six.

(2.) The rate mentioned for the purposes in the order shall, for the year to which it relates, be substituted—

- (a) as respects the Post Office Savings Bank for the rate specified in section seven of the Post Office Savings Bank Act, 1861; and
- 25

[Bill 212.]

A

24 & 25 Vict.
c. 14.

A.D. 1900.

51 & 52 Vict.
c. 15.

(b) as respects trustee savings banks for the rate specified as payable to the trustees of those banks in section five of the National Debt (Supplemental) Act, 1888;

(c) as respects friendly societies and money invested with the National Debt Commissioners other than money invested on account of any assurance made on or before the twenty-eighth of June one thousand eight hundred and eighty-eight, by a society which had invested funds with the Commissioners before the first of January one thousand eight hundred and ninety-six for the rate payable under section fifty-two of the Friendly Societies Act, 1896.

59 & 60 Vict.
c. 25.

(3.) In annually determining the several rates of interest under this section the Treasury shall have regard to the income which may be expected to accrue in the ensuing year from the investment of savings banks' and friendly societies' funds by the National Debt Commissioners, and in the case of the Post Office Savings Bank also to the estimated expenses of management during the ensuing year, and may also have regard to the provisions of this Act with respect to the reserve accounts.

(4.) The amount per cent. per annum fixed as a rate of interest under this section by the Treasury shall be some multiple of one-eighth of a pound.

(5.) There shall be the same difference between the rate of interest payable to the trustees of a trustee savings bank and the maximum rate of interest payable to depositors in the bank, as between the rates of interest fixed by section five of the National Debt (Supplemental) Act, 1888.

(6.) The expression "year" means in this section with reference to trustee savings banks and friendly societies the year ending the twentieth day of November, and with reference to the Post Office Savings Bank the year ending the thirty-first day of December.

(7.) An order under this section shall be made not later than one month before the commencement of the year to which the order applies.

(8.) If it is not considered necessary to change any rate of interest, a declaration by the Treasury that the order applying to the current year shall continue to apply to the ensuing year shall have the same effect as an order under this section.

(9.) The first orders made under this section shall apply, as respects trustee savings banks and friendly societies, to the year ending the *twentieth day of November, nineteen hundred and three*, and as respects the Post Office Savings Bank, to the year ending the *thirty-first day of December nineteen hundred and three*.

2.—(1.) The surplus appearing on any of the annual accounts made out by the National Debt Commissioners in respect of the Post Office Savings Bank and trustee savings banks and friendly societies under the Customs, Inland Revenue, and Savings Banks Act, 1877, shall, instead of being paid into the Exchequer, be carried to a separate reserve account, to be called as the case requires, the Post Office Savings Bank reserve account, the trustee savings banks reserve account, or the friendly societies reserve account, and in estimating that surplus no account shall be taken of any provision against the depreciation in the value of the securities.

A.D. 1900.

Reserve
accounts.

40 & 41 Vict.
c. 13.

(2.) The money standing to the credit of the reserve accounts established under this section may be invested in any securities in which the National Debt Commissioners are authorised to invest money held by them on account of Savings Banks, and the income arising from the investments shall be carried to the credit of the account to which the money invested had been carried.

(3.) The money standing to the credit of any reserve account shall be applicable primarily as a provision against any deficiency on the capital account of the corresponding Fund, but may, if the Treasury think fit, be applied under their direction towards making good any deficiency on the income account of the corresponding Fund.

(4.) This section shall not come into operation until after the expiration of the year ending as respects trustee saving banks and friendly societies the *twentieth day of November*, and as respects the Post Office Savings Bank the *thirty-first day of December* nineteen hundred and three.

3. — (1.) After the *twentieth day of November* nineteen hundred and two, all interest arising after that date from any securities in which the money received on account of the Trustee Savings Banks (Deficiency) Annuity is invested, or in which any money arising from the investment of the annuity has been invested, shall for the purpose of the annual account made out by the National Debt Commissioners under the Savings Bank Act, 1877, be treated as income and not as capital, and shall be dealt with as income arising from the securities in which sums received by the National Debt Commissioners from trustees of trustee savings banks are invested.

Interest on
investment
of amounts
under
43 & 44 Vict.
c. 36. to be
treated as
income.

(2.) In this section the expression "Trustee Savings Banks (Deficiency) Annuity" means the annuity directed by the Savings Bank Act, 1880, to be inscribed in the books of the Bank of

43 & 44 Vict.
c. 36.

A.D. 1900. England for the National Debt Commissioners on account of trustee savings banks for the purpose of paying off the deficiency mentioned in that Act.

(3.) *The amount payable in respect of the said annuity shall continue to be paid in each year up to the end of the year ending 5 on the twentieth day of November nineteen hundred and fourteen and shall continue to be charged accordingly.*

Amendments of Trustee Savings Banks Acts.

Auditors. 4. After the commencement of this Act, an auditor of a trustee savings bank shall be appointed for a term not exceeding *one year*, 10 and an auditor so appointed need not give security under section eight of the Trustee Savings Banks Act, 1863.

26 & 27 Vict.
c. 87.

Purchase,
sale, &c. of
land.

5.—(1.) The trustees of a trustee savings bank may, with the consent of the National Debt Commissioners, purchase land or erect buildings for the purposes of their savings bank, and for those 15 purposes apply money standing to the separate surplus account of their bank, and may, with the like consent, sell, exchange, or let any land or buildings not required for the purposes of their bank.

(2.) The receipt of the trustees of the savings bank shall be a sufficient discharge for any money paid on or in connexion 20 with any such sale, exchange, or lease, and a purchaser, assignee, or tenant shall not be bound to ascertain whether the consent of the National Debt Commissioners has been obtained to the transaction.

(3.) The balance of any money paid on or in connexion with any such transaction after deducting the amount of any expenses 25 incurred by the trustees in connexion therewith shall be paid by the trustees to the National Debt Commissioners, and shall be carried by these Commissioners to the separate surplus account of the bank with them.

Superannua-
tion allow-
ances to
officers.

6.—(1.) The trustees of a trustee savings bank may, with the 30 consent of the Inspection Committee, grant to any officer of the bank who becomes incapable of discharging the duties of his office by reason of old age or permanent infirmity of body or mind compensation on his ceasing to hold office either by way of a yearly allowance or of a gratuity of a capital amount.

(2.) Any such compensation shall be paid as part of the current expenses of the bank or with the sanction of the Inspection Committee out of the moneys standing to the credit of the separate surplus account of the bank with the National Debt Commissioners. 35 40

(3.) Compensation payable by way of a yearly allowance shall A.D. 1900.
cease to be paid if the bank is finally closed.

7.—(1.) The trustees of a trustee savings bank, on behalf of any penny savings bank whose funds are invested in a trustee savings bank, and the Postmaster-General, on behalf of any penny savings bank whose funds are invested in the Post Office Savings Bank may defray, on behalf of the penny bank, any out-of-pocket expenses incurred by the penny bank for the purpose of obtaining the necessary account books, stationery, or similar articles.

Expenses of
penny banks.

(2.) Any expenses so defrayed by the trustees of a trustee savings bank shall be deemed necessary expenses attending the management of the bank within the meaning of section two of the Trustee Savings Banks Act, 1863.

26 & 27 Vict.
c. 87.

15

Supplemental.

8. In this Act unless the context otherwise requires—

The expression “savings bank” includes both a trustee savings bank and the Post Office Savings Bank, but no other savings bank.

Interpreta-
tion.

20

The expression “trustee savings bank” means a bank certified under the Trustee Savings Bank Act, 1863.

The expression “Inspection Committee,” means the inspection committee of trustee savings banks established under the Savings Banks Act, 1891.

54 & 55 Vict.
c. 21.

25

The expression “friendly society” means a registered society within the meaning of the Friendly Societies Act, 1896, and includes a registered branch.

59 & 60 Vict.
c. 25.

9. The Acts specified in the schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

10.—(1.) This Act may be cited as the Savings Banks and Friendly Societies Act, 1900.

Short title

(2.) This Act, so far as it relates to trustee savings banks, may be cited with the Trustee Savings Banks Acts, 1863 to 1893, and so far as it relates to the Post Office Savings Bank with the Post Office Savings Bank Acts, 1861 to 1893.

A.D. 1900.

SCHEDULE.**ENACTMENTS REPEALED.**

Session and Chapter.	Short Title.	Extent of Repeal.
40 & 41 Vict. c. 13. -	The Customs, Inland Revenue, and Savings Banks Act, 1877.	<p>In section fourteen the words "including a sum to be determined by the Treasury to provide against depreciation in the value of the securities" as from the first day of January nineteen hundred and four; in section fifteen the words "together with a sum to be determined by the Treasury to provide against the depreciation in the value of the securities," as from the twenty-first day of November nineteen hundred and three, and in section sixteen the words "together with a sum to be determined by the Treasury to provide against depreciation in the value of the securities," as from the twenty-first day of November nineteen hundred and three.</p> <p>5 10 15 20 25</p>
44 & 45 Vict. c. 55. -	The National Debt Act, 1881.	<p>Section five as from the twenty-first day of November nineteen hundred and two.</p>

33

Savings Banks and Friendly Societies.

A

B I L L

To amend the Law with respect to the rate of Interest payable on Deposits in the Post Office Savings Bank, and on money invested with the National Debt Commissioners on behalf of Trustee Savings Banks and Friendly Societies, and for other purposes connected with Trustee Savings Banks.

(*Prepared and brought in by
Mr. Chancellor of the Exchequer
and Mr. Hanbury.*)

*Ordered, by The House of Commons, to be Printed,
15 May 1900.*

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90, West Nile Street, Glasgow; or
HODGES, FROST, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price 14d.*]

[Bill 212.]

A
B I L L

TO

Alter the Divisions of London for the Election of the School Board and thereby abolish the Cumulative Vote. A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 1. This Act may be cited as the London School Board Elections Act, 1900. Short title.

2. This Act shall be construed as one with the Elementary Education Acts, 1870 to 1885, and words and expressions to which meanings are assigned by those Acts, have in this Act (unless the context otherwise require) the same respective meanings. Construction of Act.

3. The divisions of the metropolis existing immediately before the passing of this Act, for the purpose of election of members of the school board for London, are hereby abolished, provided that the existing members of those divisions shall, until the next triennial election of members, continue to sit for and to represent the same divisions respectively as if this Act had not been passed. Abolition of existing divisions for election of members of London School Board.
Provided also that any casual vacancy occurring before the next triennial election among the said existing members shall be filled up as if this Act had not been passed.

4. For the purpose of the next triennial election of members and of all subsequent elections of members of the school board for London every undivided parliamentary borough in the metropolis, and every division of every divided parliamentary borough in the metropolis, shall be a division entitled to return one member of the school board for London, except that the city of London shall be entitled to return two members. Adoption of parliamentary divisions for election of members of London School Board.

[Bill 104.]

A.D. 1900. 5. Subsections (1) and (2) of section thirty-seven and section
thirty-nine and the Fifth Schedule of the Elementary Education
Act, 1870, and section two of the School Boards Act, 1895, are
hereby repealed, but this repeal shall not affect the representation
of the existing divisions of the metropolis until the triennial
election of members of the school board for London held next after
the passing of this Act.

Repeal of
parts of
Education
Acts
33 & 34 Vict.
c. 75.
48 & 49 Vict.
c. 38.

School Board Elections (London).

A

B I L L

To alter the Divisions of London for
the Election of the School Board and
thereby abolish the Cumulative Vote.

*(Prepared and brought in by
Mr. Flower, Mr. James Bailey, Mr. Burns,
Mr. Marks, Mr. Pickersgil, Mr. Harry Samuel,
Sir Blundell Maple, and Mr. W. F. D. Smith.)*

*Ordered, by The House of Commons, to be Printed,
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80, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price 3d.*]

[Bill 104.]

A
B I L L

TO

Admit to the School Board Electorate in Scotland all persons entitled to vote for the County Council Election. A.D. 1900.

WHEREAS it is expedient that persons entitled to vote for the county council election in Scotland should not be disfranchised for the school board elections on account of their holdings being of a less rental than four pounds per annum :

5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. All persons entitled to vote for the county council election in Scotland aforesaid shall be entitled to vote for the school board election. County council vote entitles to vote for school board.

2. This Act may be cited as the School Board Electorate (Scotland) Act, 1900. Short title.

School Board Electorate (Scotland).

A

B I L L

To admit to the School Board Electorate
in Scotland all persons entitled to
vote for the County Council Election.

*(Prepared and brought in by
Mr. Weir, Mr. James Bailie, Dr. Clark,
Mr. Hedderwick, Mr. Nicol, and
Sir William Wedderburn.)*

*Ordered, by The House of Commons, to be Printed,
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90, West Nile Street, Glasgow; or
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[Price 1d.]

[Bill 96.]

Sea Fisheries Bill.

ARRANGEMENT OF CLAUSES.

Clause.

- 1. Prohibition of sale, &c. of flat fish below a specified size.**
 - 2. Definitions.**
 - 3. Short title and collective title.**
-

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B I L L

TO

Amend the Acts relating to Sea Fisheries.

A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 5 1.—(1.) No person shall import, export, buy, sell, expose for sale, consign for sale, or have in his possession for sale—
- (a) any sole or plaice not exceeding eight inches in length; or
- (b) any turbot or brill not exceeding ten inches in length.
- (2.) If any person contravenes this section he shall be liable on
- 10 summary conviction to a fine not exceeding *two pounds* for the first offence, and *ten pounds* for any subsequent offence, and to forfeit all fish in his possession in contravention of this section.
- (3.) Provided that where fish in a closed box or other receptacle are sold by any person on behalf of another person, and with a certi-
- 15 ficate in writing signed by or on behalf of the latter person, that the receptacle does not contain any fish the sale of which is prohibited by this section, the first-mentioned person shall not be liable to any penalty under this section.
- (4.) If any officer of Customs, or any officer appointed by the
- 20 Board of Trade in that behalf, has reason to believe that any fish or package exposed for sale, or consigned or sent by any carrier, or brought from any place to be exposed for sale, consigned, sent, or otherwise dealt with, is or contains fish the sale whereof is prohibited by this Act, he may detain the fish or package, and open
- 25 the package, and in the event of any such fish being or becoming unfit for human food may destroy it.

Prohibition
of sale, &c.
of flat fish
below a
specified size.
[See
40 & 41 Vict.
c. 42. s. 8.]

[Bill 144.]

A

A.D. 1900.

(5.) If any person impedes or obstructs the exercise of the powers conferred by this section he shall be liable on summary conviction to a fine not exceeding *five pounds*.

Definitions.

[See
55 & 56 Vict.
c. 50. s. 6.]

2. In this Act—

The expression “sole” shall not include lemon sole: 5

The expression “package” shall include any box, basket, barrel, case, receptacle, sack, bag, wrapper, or other thing in which fish is placed, or in which it is customary to place fish, for the purpose of carriage, consignment, exportation, or sale. 10

Short title
and collective
title:

3. This Act may be cited as the Sea Fisheries Act, 1900, and may be cited with the Sea Fisheries Acts, 1843 to 1893.

Sea Fisheries.

A

BILL

To amend the Acts relating to Sea Fisheries.

(*Prepared and brought in by
Mr. Ritchie and
Secretary Sir Matthew White Ridley.*)

*Ordered, by The House of Commons, to be Printed,
26 March 1900.*

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90, West Nile Street, Glasgow; or
HODGKIN, FRIGGS, & Co. LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 144.]

A

B I L L

TO

Amend the Sea Fisheries Regulation (Scotland) Act, 1895. A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

5 1. This Act may be cited as the Sea Fisheries Regulation Short title.
 (Scotland) Amendment Act, 1900, and shall be read along with the
 Sea Fisheries Acts.

2. In this Act the expression "principal Act" means the Sea Definition
 Fisheries Regulation (Scotland) Act, 1895. of principal
 Act.

10 3.—(1.) In section five, sub-section (1), of the principal Act— Amendment
 (a.) After the words "or of the police commissioners of a of principal
 police burgh," the words "or of the Fishery Board for Act.

(b.) The words at the close of said sub-section, "Provided that
 15 "no order shall be made affecting any county or burgh or
 "police burgh, or any part thereof, except with the consent
 "of the county council, town council, or police commis-
 "sioners of such county or burgh or police burgh, as the
 "case may be," are hereby repealed.

20 (2.) In section six of the principal Act—
 (a.) For the words "eight hundred and ninety-eight," occurring
 in each of the three paragraphs numbered (2) (b), (3) (a),
 and (3) (b), respectively, shall be substituted the words
 "nine hundred and one."

**Sea Fisheries
Regulation (Scotland)
Act (1895) Amendment.**

A

B I L L

To amend the Sea Fisheries Regulation
(Scotland) Act, 1895.

*(Prepared and brought in by
Sir William Wedderburn, Mr. Crombie,
Mr. Gordon, Mr. Buchanan, and
Captain Sinclair.)*

*Ordered, by The House of Commons, to be Printed,
16 February 1900.*

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30, West Nile Street, Glasgow; or
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[Price 4d.]

[Bill 86.]

A

B I L L

TO

Provide for the Separate Assessment of Land, and to A.D. 1900.
 amend the Law relating to Parochial Assessments in
 England and Wales.

BE it enacted by the Queen's most Excellent Majesty, by and
 with the advice and consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assembled,
 and by the authority of the same, as follows:—

- 5 1. This Act shall be construed and read as one with the Construc-
tion.
 Parochial Assessments Act, 1836, and the Acts amending the
 same.
- 10 2. In section one of the Parochial Assessments Act, 1836, Amendment of
6 & 7 Will. 4.
c. 96. s. 1, as to
meaning of
annual value,
and amend-
ment of 32 & 33
Vict. c. 57. s. 4,
as to meaning
of rateable
value.
 the meaning of the term "annual value," and in section four of
 the Valuation (Metropolis) Act, 1869, the meaning of the term
 "rateable value" shall be as defined in those Acts respectively,
 or shall be an amount equal to *four per centum* of the value of
 the hereditament to be rated, whichever is the greater.
- 15 3. It shall be the duty of the overseers, or assessment committee
 or other persons preparing the valuation list, to insert in two Value of
hereditament
and value of
site to be
inserted in
valuation
list.
 separate columns after the gross and rateable value of each
 hereditament, the value of such hereditament and the site value
 of such hereditament. The value of a hereditament means the
 amount for which, if held in fee simple, the hereditament could
 20 be sold, as by a willing seller to a willing buyer. The site value
 of a hereditament means the amount for which, if held in fee
 simple, the land contained in such hereditament could be sold, as
 by a willing seller to a willing buyer, if there were no building or
 structure erected thereon or affixed thereto.
- 25 4. In the case of any hereditament of which no person is deemed As to
rating of
unoccupied
lands.
 to be in occupation for the purpose of paying all local rates made
 and levied in the district in which such hereditament is situated,

[Bill 200.]

A.D. 1900. — any owner or part owner or tenant for a term of years of such hereditament shall be liable to be rated in respect thereof at an amount equal to *four per centum* of the value of the hereditament, or *four per centum* of the site value, whichever is the less, and shall be liable to pay all local rates as aforesaid, but so as that not 5 more than one person shall be so rated or be made liable to pay.

Extent of Act.

5. This Act shall not apply to Scotland or Ireland.

Short title.

6. This Act may be cited as the Assessment Amendment Act, 1900.

Separate Assessment of Land.

^

B I L L

To provide for the Separate Assessment
of Land, and to amend the Law
relating to Parochial Assessments in
England and Wales.

(*Prepared and brought in by*
Mr. Billson, Mr. Burt, Sir Walter Foster,
Mr. Lloyd-George, Mr. Fensholt, and
Mr. Trevelyan.)

Ordered, by The House of Commons, to be Printed,
14 May 1900.

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90, West Nile Street, Glasgow; or
HODDER, FISHER, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 200.]

Sewage and Drainage (Local Authorities) Bill.

MEMORANDUM.

This Bill has two objects :—

1. To enable local authorities to protect rainfall and land flow water, as sources of water supply, from pollution by sewage :
2. To enable local authorities to preserve sewage, for purposes of purification, from dilution by rainfall and land flow water.

The powers provided are not compulsory upon local authorities, but will enable them, if in the circumstances of their district they deem it expedient so to do, to keep separate, wholly or in part, the sewage and the water drainage of their districts, and confers upon them the necessary powers, including power to make requisite byelaws.

At present the sanitary and economical advantages of separation cannot be enjoyed by the community, owing to drainage rights acquired by owners and occupiers under the Public Health Act, 1875.

Local authorities are therefore deprived of choice, and are compelled to adopt, or provide for, the combined drainage of sewage and water. A few localities have obtained from Parliament powers for drainage separation, but elsewhere throughout the country the "Combined System of Drainage" is practically universal, and is so necessarily, and in fact through the compulsion of the law.

A

B I L L

TO

Enable Local Authorities to deal separately with the Sewage and Drainage of their Districts. A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5 **1.** This Act may be cited as the Sewage and Drainage (Local Authorities) Act, 1900, and shall apply to all local authorities who are subject to the provisions of the Public Health Act, 1875. Short title.

2. In this Act the words and expressions following shall have respectively the following meanings attached to them; (that is to say), Definitions.

10 “Sewage” means sewage or other offensive or injurious matter, sink water, and slops and foul refuse.

“Sewage-drain” and “sewage-sewer” mean respectively a drain and a sewer provided for the reception and disposal of sewage.

15 “Drainage” means rain water, and flood, surface, sub-soil, and other water not contaminated with sewage.

“Drainage-drain” and “drainage-sewer” mean respectively a drain and a sewer provided for the reception and disposal of drainage.

20 **3.** From and after the *passing of this Act* it shall be lawful for any local authority to construct or alter the drains and sewers within its district in such a manner as to keep separate, wholly or in part, the sewage and drainage of such district, and all the drains and sewers so constructed or altered shall be deemed to be drains and sewers within the meaning of the Public Health Act, 1875, or any Act amending the same. Power to enable local authorities to construct separate systems of sewers and drains.

[Bill 193.]

A

A.D. 1900.

Separation of
sewage and
drainage.

4. Where a local authority has instituted separate systems of drainage-drains and drainage-sewers, it shall, notwithstanding anything to the contrary contained in the Public Health Act, 1875, or any Act amending the same, not be lawful for any person to discharge sewage into any drainage-drains or drainage-sewers, or to discharge drainage into any sewage drains or sewage-sewers, without the consent of the local authority to whom such drains or sewers belong.

Power to
compel
owners and
occupiers to
construct
separate
systems of
sewers and
drains.

5. It shall be lawful for any local authority that shall have so constructed or altered the drains and sewers in its district as to fit them to keep separate wholly or in part the sewage and drainage thereof, to give notice to the owner or occupier of any house or premises situated in such district which such separate system is capable of serving, requiring him to keep separate the sewage and drainage of his house and premises in any reasonable manner prescribed by such notice and to discharge the same into the corresponding drains and sewers, and thereupon he shall comply therewith: Provided that in case such house or premises have at the time of such notice drains and sewers which but for the passing of this Act would have been sufficient to drain effectually such house or premises, the local authority shall repay to the owner or occupier the reasonable expenses of all alterations necessary to be made in such drains and sewers in order to comply with the said notice.

Power to
make
byelaws.

6. The local authority shall have the same powers of making byelaws for the effectual maintenance and working of any system of drains and sewers constructed or altered under the provisions of this Act, and the keeping separate the sewage and drainage of their district thereby, in like manner as they would have if the provisions of this Act had been contained in the Public Health Act, 1875.

Sewage and Drainage (Local Authorities).

A

B I L L

To enable Local Authorities to deal
separately with the Sewage and
Drainage of their Districts.

*(Prepared and brought in by
Mr. Stephens, Sir Walter Foster,
Sir Michael Foster, Mr. John Burns,
Mr. Lawson Walton, Dr. Ambrose,
Mr. Brynmor Jones, and Mr. Cripps.)*

*Ordered, by The House of Commons, to be Printed,
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[*Price 1d.*]]

[Bill 193.]

A

B · I L L

TO

Amend the Shop Hours Act, 1892.

A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

- 5 1. In section three of the Shop Hours Act, 1892, the following words shall be substituted for subsection one, namely :—
A young person shall not be employed in or about a shop for a longer period than *sixty hours*, including meal times, in any one week. Hours of employment and meal times in shops.
- 10 2. This Act shall come into operation on the *first day of January one thousand nine hundred and one*. Commence-ment of Act.
3. This Act may be cited as the Shop Hours Act, 1900. Short title.

Shop Hours Act (1892) Amendment.

A

B I L L

To amend the Shop Hours Act, 1892.

(Prepared and brought in by
*Mr. Steadman, Mr. J. Burns, Sir Charles Dilke,
and Mr. Woods.*)

*Ordered, by The House of Commons, to be Printed,
30 March 1900.*

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[Price 3d.]

[Bill 161.]

[63 VICT.]

Shop Hours Acts Amendment.

1

A

B I L L

TO

Amend the Shop Hours Acts.

A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

5 1. The Shop Hours Act, 1892, shall be amended and extended as follows :— Extension of
Shop Hours
Act, 1892.

(1.) That the Act shall extend and apply to all women.

10 (2.) No woman or young person shall be employed in or about a shop, or as a messenger or otherwise in connection with the work of a shop for a longer period than *sixty-eight hours*, including mealtimes, in any one week; or for a longer period than *fourteen hours*, including mealtimes, in any one day.

15 2. This Act may be cited as the Shop Hours Act, 1900, and this Act and the Shop Hours Acts, 1892 to 1895, may be cited together as the Shop Hours Acts, 1892 to 1900. Short title.

[Bill 117.]

Shop Hours Acts Amendment.

A

B I L L

To amend the Shop Hours Acts.

*(Prepared and brought in by
Mr. Proctor, Mr. Samuel Smith, and
Mr. Seton-Karr.)*

*Ordered, by The House of Commons, to be Printed,
7 March 1900.*

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90, West Nile Street, Glasgow; or
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[Price 1d.]

[Bill 117.]

A
B I L L

TO

Amend the Law relating to Shops.

A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5

PART I.

Closing of Shops.

1. Save as is herein-after provided, all shops shall be closed as follows:—

Closing
hours in each
week.

- 10 (a.) On one day in each week, at or before *one* o'clock in the afternoon; and
- (b.) On three other days in each week, at or before *seven* o'clock in the evening; and
- (c.) On one other day in each week, at or before *nine* o'clock in the evening; and
- 15 (d.) On one other day in each week, at or before *ten* o'clock in the evening.

2.—(1.) The local authority as herein-after defined shall fix the closing hours for each day in the week in accordance with this Act as far as concerns the shops within their area.

Power of
local
authority to
fix closing
hours for
each day.

- 20 (2.) The local authority shall publish their determination in such manner as they think fit, and a certificate purporting to be signed by the clerk of the local authority shall be evidence of the closing hour fixed for any day.

25 3.—(1.) The local authority shall not for *two years* from the passing of this Act fix the closing hour for Saturday at *one* o'clock in the afternoon.

Special
provisions
for Saturday.

- (2.) Where the local authority have fixed the closing hour for some day other than Saturday at *one* o'clock in the afternoon, the occupier of any shop within their area may at any time give notice
- 80 to the inspector of the district that he intends to close his shop on

[Bill 57.]

A

A.D. 1900. — Saturday at *one* o'clock in the afternoon, and on the other day at the hour fixed by the local authority for Saturday, and after a month has elapsed from the giving of the notice this Act shall, so far as that shop is concerned, have effect as if the closing hours appearing in the notice were the closing hours fixed by the local authority.

(3.) A notice given under this section may be revoked at any time.

Sunday
opening
prohibited.

4. Save as is herein-after provided, all shops shall be kept closed on Sunday throughout the day.

Employment
in or about
a shop after
closing
hours.

5.—(1.) Save as is provided by this section, a person who is ordinarily employed in the business of or in connection with a shop shall not be employed in or about the shop on any day after the expiration of *half an hour* from the closing hour for the shop on that day.

(2.) On not more than *thirty-six days* in any year persons may be employed in or about a shop during the *two hours* following the closing hour for the shop, on condition that the occupier of the shop, not less than *seven days* before any day on which he so employs any person, serves on the inspector of the district and affixes in the shop notice of his intention so to employ any person on such day.

(3.) Notices under this section may be served in the manner provided by section seventy-nine of the Factory and Workshop Act, 1878.

(4.) A person shall not be deemed to be exempted from the operation of this section on the ground that he is an apprentice or an improver, or a member of the occupier's family.

Penalties.

6.—(1.) If any article is sold in any shop, or any person is admitted to any shop for the purpose of trade, or any shop is opened or kept open for the purpose of trade, on any day after the closing hour fixed under this Act, or on Sunday, the occupier of the shop shall be liable to a penalty not exceeding *five pounds* for each offence.

(2.) If any person is employed in or about a shop contrary to the provisions of this Act, the occupier of the shop shall be liable to a penalty not exceeding *five pounds* for each person so employed.

Special
exemptions
from opera-
tion of this
Part of the
Act.

7.—(1.) The provisions of this Act relating to the closing of shops shall not apply to a shop kept open solely for the sale of one or more of the articles specified in the schedule hereto.

(2.) Where it appears to a Secretary of State that the convenience of the public requires the extension of the exception made by this section to the sale of any other class of articles, he may by order make such extension, and the provisions of section sixty-five of the 5 Factory and Workshop Act, 1878, shall apply to any such order. A.D. 1900.

8.—(1.) Nothing in this Act shall render the occupier of any premises liable to a penalty for supplying any article to any person lodging in such premises. Savings for sales to lodgers and for post office work.

(2.) Nothing in this Act shall affect the transaction of post office 10 business by the occupier of any shop who is also an officer of the post office,

PART II.

Miscellaneous.

9.—(1.) A person shall not be employed in or about a shop 15 for more than *sixty* hours, including meal times, in any one week. Length of employment and meal hours.

(2.) A young person or a woman shall not be employed continuously in or about a shop for more than *five hours* without an interval of at least *half-an-hour* for a meal.

20 (3.) A person employed in or about a shop shall be allowed an interval of not less than *one hour* between noon and two o'clock in the afternoon for dinner, and an interval of not less than *half an hour* between four and seven o'clock in the afternoon for tea.

(4.) In the event of contravention of this section, the occupier of 25 the shop shall be liable to a penalty not exceeding *five pounds*.

10.—(1.) A young person or woman who is employed on any day in a factory or workshop shall not subsequently on the same day be employed in or about a shop for such a period as will make the total period of his or her employment in the factory or workshop, 30 and in the shop, exceed the number of hours permitted by the Factory and Workshop Acts for his or her employment in the factory or workshop. Employment on same day in factory or workshop and in shop.

(2.) In the event of contravention of this section, the occupier of the shop shall be liable to a penalty not exceeding *five pounds*.

35 11.—(1.) Every shop, and every place which is within the same close or curtilage with a shop, and is occupied by the occupier of the shop, and is frequented or used by persons employed in or about the shop, and every place in which sleeping accommodation is provided by the occupier of a shop for persons employed in or about Sanitary condition and ventilation.

A.D. 1900. the shop, shall be kept in a cleanly state and free from effluvia arising from any drain, privy, or other nuisance, and shall be ventilated in an efficient and suitable manner.

(2.) In the event of contravention of this section, the occupier of the shop shall be liable to a penalty not exceeding *five pounds*. 5

Sanitary
conveni-
ences.

12.—(1.) Every shop shall be provided with sufficient and suitable accommodation in the way of sanitary conveniences, having regard to the number of persons employed there, and also, where persons of both sexes are employed, or intended to be employed, with proper separate accommodation for persons of each sex. 10

(2.) In the event of contravention of this section, the occupier of the shop shall be liable to a penalty not exceeding *five pounds*.

Notices to be
exhibited.

13.—(1.) There shall be affixed and kept affixed in every shop, in such a position as to be easily read by the persons employed in the shop— 15

(a) an abstract of this Act as prescribed by a Secretary of State;

(b) a notice showing the closing hour for each day of the week;

(c) a notice showing the days during the current year on which persons may be employed in or about the shop during the three 20 hours following the closing hour for the shop.

(2.) In the event of contravention of this section, the occupier of the shop shall be liable to a penalty not exceeding *five pounds*.

Annual
returns of
persons em-
ployed.

14. The occupier of every shop shall on or before the *first day of March* in every year, send to the inspector of the district, on behalf 25 of the Secretary of State, a correct return, specifying, with respect to the year ending on the preceding thirty-first day of December, the number of persons employed in the shop, with such particulars as to the age and sex of the persons employed as the Secretary of State may direct, and in default of complying with this section shall 30 be liable to a fine not exceeding *five pounds*.

Enforcement
of this Act
and other
Acts relating
to shops by
factory in-
spectors and
police
officers.

15.—(1.) It shall be the duty of inspectors appointed under the Factory and Workshop Acts to enforce the provisions of this Act, and the provisions of the Truck Act, 1896, which relate to shops, and the provisions of the Seats for Shop Assistants Act, 1898, 35 and for this purpose sections sixty-seven, sixty-eight, and seventy of the Factory and Workshop Act, 1878, shall apply as if a shop were a factory or a workshop, and as if an inspector appointed under this Act were an inspector appointed under the Factory and Workshop Acts. 40

(2.) It shall be the duty in England, Wales, and Ireland of a chief officer of police, and in Scotland of a procurator fiscal, to report to the inspector of the district any breach of the provisions of this Act relating to the closing of shops which occurs within the area for which the chief officer or procurator fiscal acts. A.D. 1900.

16. Offences under this Act shall be prosecuted and fines recovered in like manner as offences and fines are prosecuted and recovered under the Factory and Workshop Acts, and for that purpose sections eighty-six to ninety-one of the Factory and Workshop Act, 1878, section ninety-two of that Act so far as it relates to evidence of age, sections one hundred and five and one hundred and six of that Act so far as they relate to legal proceedings, sections twenty-eight and twenty-nine of the Factory and Workshop Act, 1891, and sections forty-nine to fifty-one of the Factory and Workshop Act, 1895, shall apply as if this Act were included in the Factory and Workshop Acts, and as if a shop were a factory or a workshop, and as if an inspector appointed under this Act were an inspector appointed under the Factory and Workshop Acts. Legal proceedings.

17.—(1.) Any person found in a shop, other than a customer, shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the shop. Presumption and exception relating to employment.

(2.) Nothing in this Act shall extend to any person employed in a shop for the sole purpose of repairing any part of it.

18. In this Act, unless the context otherwise requires,— Interpretation.

25 The expression “local authority” means—

(a) in its application to England and Wales, the borough council in a borough, and elsewhere the county council:

30 (b) in its application to Scotland, the commissioners of police in burghs where there are such commissioners, the town council in other burghs, and elsewhere the county council;

(c) in its application to Ireland, the borough council in municipal boroughs, and elsewhere the commissioners of a town or township.

35 The expression “shop” includes retail and wholesale shops, markets, and stalls.

The expression “young person” means any person under the age of eighteen.

40 The expression “inspector of the district” means the inspector appointed under the Factory and Workshop Acts, and acting for the district in which the shop in question is situate.

Repeal.

19. The Shop Hours Acts, 1892 to 1895, are hereby repealed.

Commence-
ment of Act.

20. This Act shall come into operation on the *first day of January one thousand nine hundred and one*, except that the local authority shall in the first instance fix the closing hours before *December one thousand nine hundred*, and notices under this Act 5 may be given to the inspector in *December one thousand nine hundred*.

Short title.

21. This Act may be cited as the Shop Act, 1900,

SCHEDULE.

A.D. 1900.

Medicines or medical or surgical appliances.

Refreshments for consumption on the premises.

Tobacco, pipes, matches, and smokers' necessaries.

5 Newspapers and (so far as concerns railway bookstalls only) magazines and books.

Fruit.

Intoxicating liquors.

Shops.

A

B I L L

To amend the Law relating to Shops.

*(Prepared and brought in by
Sir Charles Dilke, Mr. John Burns, Dr. Clark,
Mr. Clough, Mr. Duckworth, Mr. Field,
Mr. Flower, Mr. Kemp, Mr. Steadman,
and Mr. Tennant.)*

*Ordered, by The House of Commons, to be Printed,
2 February 1900.*

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[*Price 1d.*]

[Bill 67.]

[68 VICT.]

Smaller Dwellings (Scotland).

1

A
B I L L

TO

Amend the Law relating to the Tenancy of Smaller Dwellings in Scotland. A.D. 1900.

WHEREAS it is expedient that the law of Scotland in reference to the tenure of dwelling-houses should be amended :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as the Smaller Dwellings Tenure (Scotland) Act, 1900. Short title.

2. This Act shall extend to Scotland only, and shall come into operation upon the *first day of January one thousand nine hundred and one*. Extent and commencement.

3. In this Act "dwelling-house" shall mean a dwelling-house let at *fifteen pounds* or under of annual value. Definition.

4. Either the landlord or the tenant of any dwelling-house may terminate the tenancy of the same at any one of the following four dates, namely, *twenty-eighth day of May, twentieth-eighth day of August, twenty-eighth day of November, or twenty-eighth day of February*, by giving notice of removal, the one to the other, by registered letter, at the address or last known address of the party to whom the intimation falls to be given, and that *three* calendar months before the day upon which it is desired the tenancy shall terminate. Provision as to termination of tenancy.

5. This Act shall not apply to any dwelling-house which is let by written lease, signed both by landlord and tenant, in presence of two witnesses according to the law applicable to probative deeds in Scotland. Nor shall it apply to any contract current at the *passing of this Act*. Nor shall it apply to any dwelling-house which is let for a shorter period than *three* months. Exceptions.

[Bill 169.]

A.D. 1900. 6. Should any tenant fail to remove from such dwelling-house
upon the expiration of notice of removal in terms of this Act, any
person authorised by law to pursue a removing shall have the same
remedies, and may adopt any procedure at present authorised by
law to enable him to compel the removal, and the production of the 5
Post Office letter registration receipt shall be sufficient evidence of
notice having been duly given.

Procedure
where tenant
fails to
remove.

Smaller Dwellings (Scotland).

A

B I L L

To amend the Law relating to the
Tenancy of Smaller Dwellings in
Scotland.

*(Prepared and brought in by
Mr. Alexander Cross, Sir John Stirling-Maxwell,
Sir William Arrol, Colonel Denny, Begg,
Mr. John Wilson (Govan), Mr. Faithful Begg,
and Mr. T. P. O'Connor).*

*Ordered, by The House of Commons, to be Printed,
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90, West Nile Street, Glasgow; or

HODGES, Figgis, & Co., LIMITED, 104, Grafton Street, Dublin.

[Price ½d.]

[Bill 169.]

A
B I L L

TO

Grant Certificates to Persons in charge of Steam Engines and Boilers. A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 1. This Act may be cited as the Steam Engines and Boilers Act, Short title. 1900.

2. This Act shall come into operation on the *first day of January one thousand nine hundred and one*, which date is in this Act referred to as the commencement of this Act. Commence-
ment of Act.

10 3. In this Act—

The term "boiler" means any closed vessel used for generating steam, or for heating water, or for heating other liquids, or into which steam is admitted for heating, steaming, boiling, or other similar purposes ;

15 The term "engine" means any engine used in the production of motive power, and worked by steam from a boiler ;

The term "horse-power" means nominal horse-power.

4. This Act does not apply to any boiler or engine used exclusively for domestic, agricultural, or farming purposes, or to any boiler or engine used in the service of Her Majesty, or to any boiler or engine used by a railway company, or to any boiler or engine used on board a steamship having a certificate from the Board of Trade, or to any road traction engine or steam roller. Definitions.

Application
of Act.

5. After the commencement of this Act it shall not be lawful for any person to take the charge or control of, or to employ another person to take the charge or control of, any boiler or engine to which this Act applies, unless the person so taking charge or control is qualified as required by this Act. Qualification
requisite for
charge of
boilers and
engines.

[Bill 77.]

A

A.D. 1900.
Description
of qualifi-
cations.

6. The qualifications required by this Act are as follows :—

- (i.) A person taking charge or control of any boiler or engine to which this Act applies, of five horse-power or upwards, or of any engine to which this Act applies, used for winding workmen or minerals up or down the shaft of a mine, must hold a first-class certificate or a special certificate of service under this Act. 5
- (ii.) A person taking charge or control of any other boiler or engine to which this Act applies must be the holder either of such a certificate as aforesaid or of a second-class certificate under this Act. 10

Provided that in the case of any works or mine where there are more than one boiler or engine to which this Act applies, it shall be sufficient if they are under the constant supervision of one person possessing the qualification required in respect of them by this Act, so, however, that no one person shall undertake the supervision of a greater number of boilers or engines or of boilers or engines situate at a greater distance from one another than may be prescribed by any regulations of the Board of Trade for the time being in force, and the Board may make such regulations accordingly. 15 20

Penalty for
taking or
employing to
take charge
without
qualification.

7. Any person who takes charge or control (save in case of a sudden emergency) of a boiler or engine to which this Act applies, without possessing the qualification required by this Act, shall be liable to a fine not exceeding for the first offence *forty shillings*, and for the second or any subsequent offence *ten pounds*. 25

Any person who employs another person to take charge or control (save in case of a sudden emergency) of a boiler or engine to which this Act applies, without possessing the qualification required by this Act shall be liable to a fine not exceeding for the first offence *ten pounds* and for the second or any subsequent offence *fifty pounds*. 30

As to
certificates.

8. A person who has passed an examination held under this Act shall be entitled to receive a first-class certificate from a Secretary of State. 35

A person who within *three months* before or after the commencement of this Act produces to a Secretary of State satisfactory evidence that for not less than *twelve months* before the commencement of this Act he has within the previous *five years* had the practical charge or control of a boiler or engine of five horse-power or upwards shall be entitled to receive from a Secretary of State a special certificate of service, which, for the purposes of this Act, shall be equivalent to a first-class certificate. 40

A person who produces to a Secretary of State testimonials from at least two persons, which satisfy the Secretary of State that he is, in point of character, knowledge, physical ability, and experience, fit to receive a second-class certificate under this Act, shall, on so satisfying the Secretary of State, be entitled to receive a second-class certificate.

9. An applicant for a certificate under this Act shall pay to a Secretary of State such fee as may be from time to time prescribed by a Secretary of State, not exceeding, in the case of a first-class certificate, the sum of *five shillings*, and in the case of any other certificate, *two shillings and sixpence*.

10.—(1.) All certificates shall be made in duplicate, one part to be delivered to the person entitled to the certificate and one to be preserved.

15 (2.) Such last-mentioned part of the certificate shall be preserved, and a record of certificates and of the suspending, cancelling, or altering of the certificates, and of any other matter affecting them, shall be kept in such manner as a Secretary of State directs.

(3.) Any such certificate and any record under this section shall be admissible in evidence.

11. If the holder of a certificate under this Act proves to the satisfaction of a Secretary of State that he has, without fault on his part, lost or been deprived of a certificate already granted to him, the Secretary of State shall, and in any other case may, on payment of such fee (if any) as he directs, cause a copy of the certificate to which by the record kept in pursuance of this Act he appears to be entitled, to be certified by the person directed to keep the record, and to be delivered to him; and a copy purporting to be so certified shall have all the effect of the original.

30 12. If any person—

- (a) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any certificate, or an official copy of any such certificate; or
- 35 (b) makes, assists in making, or procures to be made, any false representation for the purpose of procuring, either for himself or for any other person, a certificate; or
- (c) fraudulently uses a certificate or copy of a certificate which has been forged, altered, cancelled, or suspended, or to which he is not entitled; or
- 40 (d) fraudulently lends his certificates, or allows it to be used by any other person;

that person shall in respect of each offence be guilty of a misdemeanor.

4 *Steam Engines and Boilers (Persons in Charge). [63 VICT.]*

A.D. 1900.

Power to
cancel
certificates.

13. A Secretary of State, on good cause shown, may cancel or suspend any certificate granted under this Act, and may at any time, on appeal being made to him by the person whose certificate has been suspended, and on production of evidence in support of his appeal, restore any cancelled or suspended certificate, with or 5 without a statement to that effect appended thereto.

As to
certificates
of sea going
engineers.

14. A first or second class certificate granted to an engineer under the Merchant Shipping Act, 1894, shall for the purposes of this Act be deemed to be equivalent to a first-class certificate 10 granted under this Act.

Examina-
tions for
first-class
certificates.

15. In the year commencing with the *first day of January one thousand nine hundred and one*, and in every succeeding year, a Secretary of State shall cause to be held, as often as he deems necessary, examinations for the purpose of testing the qualifications of candidates for first-class certificates under this Act. 15

The Secretary of State shall have the entire management and control of all such examinations, and shall have power from time to time to make regulations with respect to all or any of the following matters ; (that is to say,)

- (A.) With respect to the subjects for and the mode of conducting 20 the examination of candidates ; and
- (B.) With respect to the times and places of examinations, and the notices of examinations ; and
- (C.) With respect to the evidence to be given by applicants of physical ability, experience, and character ; and 25
- (D.) With respect to the appointment and removal of examiners, and with respect to the remuneration by fees or otherwise of the examiners so appointed ; and
- (E.) With respect to any other matter or thing as to which a Secretary of State thinks it expedient to make regulations for 30 the purpose of carrying this section into execution.

Any regulation made under the authority of this section may be altered or revoked by a subsequent regulation.

Proceedings
in case of
offences
against Act.

16. Any offence against this Act may be prosecuted, and any fine in respect thereof may be recovered in manner provided by the 35 Summary Jurisdiction Acts.

Expenses.

17. *The expenses of a Secretary of State in carrying out the provisions of this Act shall be defrayed out of moneys provided by Parliament.*

**Steam Engines
and Boilers
(Persons in Charge).**

A

B I L L

To grant Certificates to Persons in
charge of Steam Engines and Boilers.

*(Prepared and brought in by
Mr. Jonathan Samuel, Mr. J. A. Pease,
Mr. Haldane, Mr. Helder, Colonel Denny,
Mr. Fenwick, Mr. John Wilson (Durham),
Mr. Paulton, Mr. Joseph Walton, and
Mr. Holland.)*

*Ordered, by The House of Commons, to be Printed,
9 February 1900.*

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JOHN MENZIES & CO., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODDER, FRODIP, & CO., LIMITED, 104, Grafton Street Dublin.

[*Price 1d.*]

[Bill 77.]

[63 VICT.]

Street Noises.

1

A
B I L L

TO

Control and regulate Street Noises.

A.D. 1900.

WHEREAS it is expedient to make provision for more effectually protecting persons from annoyance by itinerant musicians and singers :

Be it therefore enacted by the Queen's most Excellent Majesty,
5 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Any occupier of or lodger in any house or any part of a house, or any member of the family of any such person, may personally or
10 by his agent or servant require any person having in his possession or having charge of or accompanying any instrument of music in any public place to refrain from sounding or playing such instrument of music in any public place near his house or premises, or may require any person playing or sounding upon any instrument of music or
15 singing in any public place near his house or premises to at once desist from such sounding or playing or singing.

Powers to occupiers or lodgers to require itinerant musicians or singers to refrain or desist from playing or singing.

- Any person so required to refrain or to desist who does not at once do so or who, during the ensuing twenty-four hours, sounds or plays upon any instrument of music or sings in any public place
20 within a direct radius of three hundred yards from such house or premises shall be guilty of an offence under this Act, and may be arrested by or given into the custody of any police constable, and may be proceeded against in a court of summary jurisdiction according to law, or without such arrest or giving into custody may
25 be proceeded against by information in a court of summary jurisdiction, and shall be liable upon conviction by such court to a penalty not exceeding *forty shillings*, or in the discretion of the court to imprisonment with or without hard labour for a period not exceeding *fourteen days*.

[Bill 21.]

A.D. 1900.
Further
convictions.

2. Any person who having been convicted of an offence under section one of this Act shall be convicted again of a like offence shall be liable to a penalty not exceeding *three pounds*, or in the discretion of the court to imprisonment with or without hard labour for a period not exceeding *twenty-one days*.

5

Names and
addresses of
owners and
users of street
organs, pianos,
or other like
instrument to
be affixed
thereto, and
names and
addresses of
itinerant
singers and
musicians to
be given when
required.

3. It shall be the duty of any person sounding or playing in any public place upon any street organ, piano, or other like instrument to have legibly and conspicuously affixed, painted, or inscribed thereon the name and address of the owner of such street organ, piano, or other like instrument, together with his own name and address, if he be not the owner, and any itinerant musician or singer, who upon demand does not give his name and address, shall be guilty of an offence under this Act, and may be arrested by or given into the custody of any police constable and proceeded against in a court of summary jurisdiction according to law, or without such arrest or giving into custody may be proceeded against by information in a court of summary jurisdiction, and upon conviction before such court shall be liable to a penalty not exceeding *five shillings*.

10

15

Exceptions.

4. This Act shall not apply to lawful fairs or to any person sounding or playing upon any instrument of music or singing not for reward, or to singers or musicians duly authorised to sing or play in specified places by any local authority having jurisdiction in that behalf, or to bands of Her Majesty's land or sea forces, or to persons taking part in any lawful procession whether such have a religious or political object, or be for the purposes of any charitable institution or of any labour organisation.

20

25

Definitions
of "public
place" and
"house."

5. Throughout this Act the words "public place" mean and include any highway, public bridge, road, street, footway, square, court, alley, mews, or passage, whether a thoroughfare or not, and the word "house" includes any dwelling-house, inn, place of business, church, chapel, or other building used for public worship, and any school, and any hospital or other building used for the reception and treatment of the sick.

30

Repeal of
former Acts
or sections of
Acts.

6. The Metropolitan Police Act, 1864, is hereby repealed.

35

Operation of
Act.

7. This Act shall come into operation on the *first day of September one thousand nine hundred*.

Short title
and extent.

8. This Act may be cited as the Street Noises Act, 1900, and shall not apply to Scotland or Ireland.

Street Noises.

A

B I L L

To control and regulate Street Noises.

(*Prepared and brought in by*
Mr. Jacoby, Mr. Radcliffe Cooke,
General Goldsworthy, Mr. Boulnois,
Mr. Pierpoint, Mr. Duncombe,
Sir George Fardell, Mr. Arnold Forster,
Colonel Sandys, and Mr. J. W. Sidebotham.)

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and 80, West Nile Street, Glasgow; or
HODGKIN, PIGGIE, & Co., Limited, 104, Grafton Street, Dublin.

[*Price 3d.*]

[Bill 21.]

A

B I L L

TO

Extend to and include Monmouthshire in the Sunday
Closing (Wales) Act, 1881.

A.D. 1900.

WHEREAS the Royal Commission on Liquor Licensing Laws appointed in 1896 reported that there is a strong local desire in Monmouthshire to be associated with Wales in the matter of Sunday closing, and that the Commissioners consider that their wish
5 should be acceded to :

And whereas the separate report presented by a minority of the said Commission contains a similar recommendation :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and
10 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. The Sunday Closing (Wales) Act, 1881, shall be extended to
and include Monmouthshire. Extension
of Act.

2. This Act may be cited as the Sunday Closing (Monmouthshire) Short title.
15 Act, 1900.

**Sunday Closing
(Monmouthshire).**

A

B I L L

To extend to and include Monmouthshire in the Sunday Closing (Wales) Act, 1881.

*(Prepared and brought in by
Mr. Spicer, Sir William Harcourt,
Mr. McKenna, Mr. Lloyd George, and
Mr. Herbert Roberts.)*

*Ordered, by The House of Commons, to be Printed,
2 February 1900.*

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90, West Nile Street, Glasgow; or
HODGKIN, PIGGS, & Co., LIMITED, 104, Grafton Street, Dublin.

[Price ½d.]

[Bill 2.]

A

B I L L

[AS AMENDED BY THE STANDING COMMITTEE ON LAW, &c.]

TO

Amend the Sunday Closing (Wales) Act, 1881, and to make further provision respecting the Sale of Intoxicating Liquors in Wales. A.D.1900.
—

WHEREAS the provisions in force against the sale of intoxicating liquors on Sunday have been found to be attended with great benefit to the inhabitants of Wales :

And whereas a Royal Commission appointed to inquire into the
5 operation of the Sunday Closing (Wales) Act, 1881, has reported that it is expedient to amend the provisions of the said Act in regard to travellers, clubs, shebeens, the wholesale trade, and certain minor matters :

Be it therefore enacted by the Queen's most Excellent Majesty,
10 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Preliminary.

1. This Act may be cited as the Sunday Closing (Wales) Short title.
15 Amendment Act, 1900, and shall be incorporated with and construed as one with the Sunday Closing (Wales) Act, 1881 (hereinafter called the principal Act), save and except only so far as the provisions of the principal Act are expressly repealed or varied by or inconsistent with this Act.

20 2. This Act shall come into operation on the tenth day of October one thousand nine hundred (which day is in this Act referred to as the commencement of this Act). Commence-
ment of Act.

3. This Act and the principal Act shall extend only to Wales. Extent of
Act.

4. In this Act, unless the context otherwise requires,—
25 "Intoxicating liquors" shall mean spirits, wine, beer, porter, ale, cider, perry, and any fermented, distilled, or spirituous liquors which cannot, according to any law for the time

[Bill 291.]

A

A.D. 1900.

being in force, be sold without a licence from the
Commissioners of Inland Revenue.

“Licensing authority” shall mean the authority for the time
being empowered by law to grant and renew certificates
for the sale of exciseable liquors. 5

“Licence” shall mean a licence for the sale of intoxicating
liquors granted in pursuance of any statute in force for
the time being.

“Sunday licence” shall mean a licence to receive and supply
intoxicating liquor to travellers on Sundays. 10

“Sale of beer by retail” shall mean the sale of beer in a less
quantity than four and a half gallons, or less than two
dozen reputed quart bottles.

“Owner” of premises shall mean the person for the time being
entitled to receive either on his own account or as 15
mortgagee, or other incumbrancer in possession, the
rackrent of such premises.

No person shall be deemed a “traveller” unless he has
travelled a distance of not less than twelve miles for some
purpose other than that of obtaining intoxicating liquor, 20
and that he has not remained on the licensed premises
longer than was reasonably required for the transaction of
his necessary business or for the purpose of necessary rest,
refreshment, or shelter from the weather. And no person
shall be proved to be a “traveller” unless the evidence 25
given in that behalf is corroborated in some material
respect by a person or persons not charged or interested.

“Urban district” shall include borough, Improvement Act
district, and local government district.

Travellers.

30

Sale of
intoxicating
liquor to
travellers.

5. In the application to Wales of the Licensing Act, 1874,
section ten of the said Act is hereby repealed, and in lieu thereof
the following provisions shall apply :—

Nothing in this Act or in the principal Act contained shall
preclude a person licensed to sell any intoxicating liquor at any 35
time to travellers or to persons lodging in his house : Provided that
no person holding a six-day licence shall sell any intoxicating liquor
on Sunday to any person whatever not lodging in his house.

If in the course of any proceedings which may be taken against
any licensed person for infringing the provisions of this Act or 40

the principal Act relating to closing, such person (in this section referred to as the defendant) fails to prove that the person to whom the intoxicating liquor was sold (in this section referred to as the purchaser) is a traveller, but the justices are satisfied that the
5 defendant truly believed that the purchaser was a traveller, and further that the defendant took all reasonable precautions to ascertain whether or not the purchaser was such a traveller, the justices shall dismiss the case as against the defendant, and if they think that the purchaser falsely represented himself to be a traveller, it
10 shall be lawful for the justices to direct proceedings to be instituted against such purchaser under the twenty-fifth section of the Licensing Act, 1872.

A.D. 1900.

6. From and after the first meeting of the licensing authority for the purpose of hearing applications for the granting and renewal
15 of licences after the commencement of this Act, no occupier of licensed premises shall receive travellers on Sunday or supply intoxicating liquors to travellers on Sunday unless such occupier shall be the holder for the time being of a Sunday licence granted for that purpose.

Sunday
licence.

20 7. The licensing authority shall have power, at their next or any subsequent meeting held after the commencement of this Act, to grant Sunday licences in respect of such licensed premises as, having regard to the rateable value of such premises and the circumstances of the locality in which such premises are situate,
25 the said licensing authority may deem expedient; provided that no Sunday licence shall be granted in respect of any premises of which the annual rateable value is less than twenty-five pounds.

Granting of
a Sunday
licence.

8.—(a.) The holder of a Sunday licence shall keep a book in which he shall enter the name and address of every traveller or
30 other person entering the licensed premises on Sunday, together with the date and time on which such traveller or other person enters the premises or is supplied with refreshments thereat.

Name and
address of
travellers to
be entered.

(b.) Any constable may, for the purpose of preventing or detecting the violation of any of the provisions of this Act, at all
35 times enter on any licensed premises and inspect such book.

(c.) Any holder of a Sunday licence who neglects to keep such book or who, by himself or by any person in his employ or acting by his direction or with his consent, refuses or fails to admit any constable in the execution of his duty demanding to enter in
40 pursuance of this section, or having admitted such constable refuses or fails to permit him to inspect such book and all entries therein,

A.D. 1900. shall be liable to a penalty not exceeding for the first offence five pounds, and not exceeding for the second and every subsequent offence ten pounds.

The third and every subsequent conviction under this sub-section to be recorded on the licence. 5

Forfeiture of
a Sunday
licence

9. If the holder of a Sunday licence shall be convicted of any offence under this Act or under the Licensing Acts, or of any offence punishable with imprisonment and hard labour without the option of a fine, and such conviction shall not be appealed against within the time allowed for appeal (if any) by any Act in force for the time being, or if appealed against shall be affirmed, the Sunday licence of such licensed person shall be forfeited so soon as the time for giving notice of appeal shall have expired, or where such conviction is appealed against and has been affirmed upon appeal from the hearing of the appeal, or if there be no right of appeal from the time of such conviction, and the premises in respect of which such Sunday licence was granted, shall unless the court having cognizance of the case in its discretion think fit otherwise to order be disqualified from receiving a Sunday licence for the term of two years from the date of such conviction. 20

Illegal Associations.

Illegal as-
sociations.

10. From and after the commencement of this Act any association of ten or more persons existing only for the purpose of supplying intoxicating liquor to its members, or if for any other purpose only ostensibly or colourably for such other purpose, shall be deemed an illegal association, and each and every member of such association shall be liable, upon summary conviction, to a fine not exceeding five pounds, or to imprisonment for any period not exceeding three months. 25

Shebeens.

30

Having or
keeping for
sale.

11. No person shall have or keep for sale by retail any intoxicating liquor without being duly licensed to sell the same. Any person having or keeping for sale by retail any intoxicating liquor which he is not licensed to sell by retail shall be subject to the following penalties, that is to say :—

35

(1.) For the first offence he shall be liable to a penalty not less than ten pounds, or to imprisonment with or without hard labour for a term not less than two months.

(2.) For the second offence he shall be liable to a penalty not less than twenty pounds, or to imprisonment with or without hard labour for a term not less than four months, and he may, by order of the court by which he is tried, be disqualified for any term not exceeding five years from holding any licence for the sale of intoxicating liquors.

A.D. 1900.

(3.) For the third and any subsequent offence he shall be liable to a penalty not less than twenty pounds, or to imprisonment with or without hard labour for a term not less than six months, and may, by order of the court by which he is tried, be disqualified for any term of years or for ever from holding any licence for the sale of intoxicating liquors.

And any person found drunk or drinking or having had drink supplied to him on premises where intoxicating liquor is had or kept for sale by retail without a licence in that behalf shall be liable to a penalty not exceeding five pounds or to imprisonment with or without hard labour for a term not exceeding one month.

Wholesale Beer Trade.

12. No beer sold for the purpose of re-sale shall be delivered on Sunday at any house or premises at which beer is sold or kept for sale by retail, or at any place other than on board ships bound for a foreign port and ready for sea.

Wholesale
trade,
Sunday
delivery.

Any person convicted of an offence under this section shall be liable to a penalty not exceeding five pounds, or to imprisonment with or without hard labour for a term not exceeding three months.

13. No beer sold for the purpose of re-sale shall be delivered at any house or premises at which beer is sold or kept for sale by retail, or at any place other than on board ships bound for a foreign port and ready for sea, except between the hours of five o'clock in the morning and nine o'clock at night.

Wholesale
trade,
week-day
delivery.

Any person convicted of an offence under this section shall be liable to a penalty not exceeding five pounds, or to imprisonment with or without hard labour for a term not exceeding three months.

14. The county council shall keep a register of all premises upon which beer is manufactured or sold for the purpose of re-sale in such form as they may prescribe. Such register shall contain a description of the premises, the name of the owner of such

Establish-
ment of
register of
premises
on which
wholesale

A.D. 1900.

trade is
carried on.

Failure to
register.

Method of
application
to county
council.

Conditions of
granting a
certificate of
registration.

Registration
fee.

Penalty for
non-registra-
tion.

Powers of
entry.

premises, and the name of the person who carries on such business of manufacture or sale.

15. Any person who carries on such business of manufacture or sale, shall within three months of the commencement of this Act, and in every succeeding year on the tenth day of October, or such other day as may be appointed for that purpose, apply to the county council for a certificate of registration. 5

16. Such person shall at the time of making such application to the county council furnish the county council with the particulars mentioned in section nineteen of this Act, and shall also from time to time when required by the county council furnish to them any of the aforesaid particulars. 10

17. Upon such application being duly made the county council shall cause such premises to be registered, and shall forward to the person who carries on business on such premises a certificate of registration under their common seal. 15

No such certificate of registration shall be granted in respect of premises of a less rateable value than fifteen pounds annually, nor to anyone who is disqualified from holding a licence to sell beer by retail for consumption off the premises, nor to anyone who fails to produce a certificate from the local licensing authority to the effect that he is a fit and proper person to receive a certificate of registration under this Act. 20

Any person who makes any return or furnishes any information under the requirements of this section, knowing the same to be false or insufficient in any material particular, shall be guilty of a misdemeanor, and liable on conviction on indictment to be imprisoned with or without hard labour for a term not exceeding one year. 25

18. The person who carries on business on such premises shall, before such premises are entitled to be registered, pay to the county council a registration fee of twenty shillings. 30

19. The owner of premises upon which beer is manufactured or sold for the purpose of re-sale, in respect of which a certificate of registration has not been obtained under this Act, shall be liable upon summary conviction to a fine not exceeding five pounds for every day on which such premises are open. 35

20. Any constable may at all reasonable times enter and inspect any premises (other than those of a brewer) in or upon which beer

is sold for the purpose of re-sale, and examine all vessels and utensils found on such premises. A.D. 1900.

When in pursuance of this section a constable has entered any premises and has found on such premises any vessel or utensil
5 ordinarily used in the storing or keeping of beer and capable of containing not more than four gallons and a half, or any such vessel or utensil capable of containing more than four gallons and a half but partly empty, the finding of any such vessel or utensil on such premises shall, until the contrary be proved, be deemed sufficient
10 evidence of an illegal sale by retail on such premises: Provided that nothing in this section shall prohibit beer bottled in glass or stone bottles, not exceeding one quart in capacity, from being kept on such premises.

21. Any constable may demand the name and address of any
15 person found on any premises where such vessels or utensils are found as aforesaid, and if he has reasonable ground to suppose that the name or address given is false, may examine such person further as to the correctness of such name and address, and may, if such person fail upon such demand to give his name and address or to
20 answer satisfactorily the questions put to him by the constable, apprehend him without warrant and carry him as soon as practicable before a justice of the peace.

Search of
premises.

Any person required by a constable under this section to give his name and address who fails to give the same, or gives a false
25 name or address, or gives false information with respect to such name and address, shall be liable to a penalty not exceeding five pounds.

Beerhouses of Low Rateable Value.

22. From and after the commencement of this Act, notwithstanding anything contained in section forty-five of the Licensing
30 Act, 1872, no licence shall be granted or renewed to any house or premises of which the annual rateable value is less than twelve pounds.

Annual
rateable
value.

Railway Stations.

35 23. Section four of the Sunday Closing (Wales) Act, 1881, is hereby repealed, and from and after the commencement of this Act no intoxicating liquor shall be sold on Sunday at a railway station to persons arriving at or departing from such station by railroad or otherwise.

Railway
station
refreshment
rooms.

**Sunday Closing (Wales)
Act (1881) Amendment.**

A

B I L L

[AS AMENDED BY THE STANDING
COMMITTEE ON LAW, &c.]

To amend the Sunday Closing (Wales)
Act, 1881, and to make further
provision respecting the Sale of
Intoxicating Liquors in Wales.

(*Prepared and brought in by*
Mr. Herbert Roberts, Mr. Alfred Thomas,
Mr. Lloyd-George, Mr. William Jones,
and Mr. Humphreys-Owen.)

Ordered, by The House of Commons, to be Printed,
10 July 1900.

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[*Price 1d.*]

[Bill 291.]

A

B I L L

TO

Provide for raising a Supplemental Loan for the Service A.D. 1900.
of the Year ending the thirty-first day of March
nineteen hundred and one.

Most Gracious Sovereign,

WE Your Majesty's most dutiful and loyal subjects the
Commons of the United Kingdom of Great Britain and
Ireland in Parliament assembled, towards raising the necessary
5 supplies granted to Your Majesty, have resolved that sums not
exceeding *thirteen million pounds* be raised in manner provided by
this Act; and do therefore most humbly beseech Your Majesty
that it may be enacted, and be it enacted by the Queen's most
Excellent Majesty, by and with the advice and consent of the
10 Lords Spiritual and Temporal, and Commons, in this present
Parliament assembled, and by the authority of the same, as
follows :—

1.—(1.) In addition to the sums authorised to be raised by the
War Loan Act, 1900, any further sums required for raising the
15 supply granted to Her Majesty for the service of the year ending
the *thirty-first day of March nineteen hundred and one* or for
paying off any security issued under this Act may be raised up to
an amount not exceeding *thirteen million pounds* by all or any of
the following methods, namely, by means of a Supplemental War
20 Loan or by means of the issue of Treasury bills or Exchequer bonds.

Borrowing
for purpose
of supply for
year 1900–1.
63 Vict. c. 2.

(2.) The Supplemental War Loan shall be raised in the same
manner as the Special War Loan under the War Loan Act, 1900,
by the issue of War Stock or War Bonds as provided by that Act;
and that Act shall apply with respect to the Supplemental War Loan
25 as it applies with respect to the Special War Loan.

[Bill 318.]

A.D. 1900.

(3.) The Treasury may fix the date from which dividends are to be payable on any War Stock or War Bonds issued for the purpose of the Supplemental War Loan, and the date so fixed shall, as regards any War Stock or War Bonds so issued, be substituted in section four of the War Loan Act, 1900, for the sixth day of April 5 nineteen hundred.

(4.) The principal of, and the interest on, any Exchequer Bonds issued under this Act shall be charged on and be payable out of the Consolidated Fund or the growing produce thereof.

Short title.

2. This Act may be cited as the Supplemental War Loan 10 Act, 1900.

Supplemental War Loan.

A

B I L L

To provide for raising a Supplemental
Loan for the Service of the Year
ending the thirty-first day of March
nineteen hundred and one.

*(Prepared and brought in by
Mr. J. W. Louthier,
Mr. Chancellor of the Exchequer, and
Mr. Hanbury.)*

*Ordered, by The House of Commons, to be Printed,
31 July 1900.*

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90, West Nile Street, Glasgow; or
HODGKIN, PIGOTT, & CO., LIMITED, 104, Grafton Street, Dublin.

[Price 1*d.*]

[Bill 318.]

A
B I L L

TO

Provide for raising a further Supplemental Loan for A.D. 1900.
the service of the year ending the thirty-first day of —
March nineteen hundred and one.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary supplies
5 granted to Your Majesty, have resolved that sums not exceeding *eleven million pounds* be raised in manner provided by the Act; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and
10 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1.) In addition to the sums authorised to be raised by the War Loan Act, 1900, and by the Supplemental War Loan Act, 1900, any further sums required for raising the supply granted to
15 Her Majesty for the service of the year ending on the *thirty-first day of March nineteen hundred and one*, or for paying off any security issued under this Act may be raised up to an amount not exceeding *eleven million pounds*, by all or any of the following methods, namely, by means of the issue of a further supplemental
20 war loan or by means of the issue of Treasury Bills or Exchequer Bonds.

Further borrowing for purpose of supply for year 1900–1. 63 & 64 Vict. c. 2. 63 & 64 Vict. c. 61.

(2.) The further Supplemental War Loan under this Act shall be raised in the same manner as the Special War Loan under the War Loan Act, 1900, by the issue of war stock or war bonds as
25 provided by that Act, and that Act shall apply with respect to the further Supplemental War Loan under this Act as it applies with respect to the Special War Loan.

63 & 64 Vict. c. 2.

[Bill 1.]

A.D. 1900. — (3.) The Treasury may fix the date from which dividends are to be payable on any war stock or war bonds issued for the purpose of the further Supplemental War Loan under this Act, and the date so fixed shall, as regards any war stock or war bonds so issued, be substituted in section four of the War Loan Act, 1900, for the sixth day of April nineteen hundred. 5

(4.) The principal of and the interest on any Exchequer Bonds issued under this Act shall be charged on and payable out of the Consolidated Fund of the United Kingdom, or the growing produce thereof. 10

Short title. 2. This Act may be cited as the Supplemental War Loan (No. 2) Act, 1900.

A

B I L L

To provide for raising a further Supplemental Loan for the service of the year ending the thirty-first day of March nineteen hundred and one.

*(Prepared and brought in by
The Chairman of Ways and Means,
Mr. Chancellor of the Exchequer,
and Mr. Austen Chamberlain.)*

*Ordered, by The House of Commons, to be Printed,
12 December 1900.*

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90, West Nile Street, Glasgow; or
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[*Price 4d.*]

[Bill 1.] *Done*

Teachers of Music Registration Bill.

MEMORANDUM.

The object of this Bill is to provide the public with an official register of properly qualified teachers of music. The Bill will not prevent any person from teaching music, nor will it penalise a non-registered teacher, but by providing an official register it will enable the public to guard itself against incompetence and imposture. In 1891, a Select Committee of the House of Commons was appointed to report upon the question of a general register of teachers. In the report the Select Committee stated it was "not essential that teachers of music, and, possibly, of one or two other special subjects, should be placed on the Register, but that the wishes of those entitled to speak on their behalf should be consulted on this matter."

In drafting this Bill every effort has been made to consult the wishes of the great Musical Institutions, and of Associations representative of Teachers of Music.

Teachers of Music Registration Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title of Act.
 2. Date of commencement.
 3. Establishment of Registration Council.
 4. Constitution of Council.
 5. Tenure of office and casual vacancies.
 6. Officers and proceedings.
 7. Indemnity for acts done by the Council.
 8. Register.
 9. Conditions of admission to register.
 10. Council may decline to register.
 11. Council not to examine.
 12. Qualifications admitting to register.
 13. Striking off inefficient institutions.
 14. Power to remove from register.
 15. Publication of register.
 16. Annual notification to continue on the register.
 17. Fees, expenses, and accounts.
 18. Annual report.
 19. Evidence of register.
 20. Service of notices.
 21. Offences.
 22. Institution of proceedings.
 23. Council may take proceedings.
 24. Penalties to be paid to treasurer of Council.
 25. Monies.
-

[Bill 309.]

A

B I L L

FOR

The Registration of Teachers of Music.

A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5 1. This Act may be cited as the Teachers of Music Registration Act. Short title.

2. This Act shall come into operation on the *first day of January nineteen hundred and one*. Date of commencement.

3. For the purpose of forming and maintaining a register of Establishment of Registration Council.
 10 persons qualified to teach music in Great Britain and Ireland, there shall be established a Council (herein-after referred to as the Council), and the Council shall be a body corporate with perpetual succession under the name of the Teachers of Music Registration Council, with power to acquire and hold land for the purpose of
 15 their duties without licence in mortmain.

4. The Council shall consist of thirty members:— Constitution of Council.

Five persons appointed from time to time by Her Majesty the Queen, with the advice of Her Privy Council.

20 Twenty-three persons elected by the governing bodies of the following institutions, as follows:—

One by the Hebdomadal Council of the University of Oxford.

One by the Council of the Senate of the University of Cambridge.

25 One by the Senate of the University of Dublin.

One by the Senate of the University of London.

One by the Senate of the University of Durham.

One by the Council of the Victoria University.

One by the Senate of the University of Wales.

30 One by the Senate of the University of Edinburgh.

One by the Senate of the Royal University of Ireland.

[Bill 309.]

A

A.D. 1900.

Two by the Committee of Management of the Royal Academy of Music, London.

Two by the Council of the Royal College of Music, London.

One by the Council of the Royal College of Organists, 5 London.

Two by the Committee of the Guildhall School of Music, London.

One by the Board of Trinity College, London.

One by the Council of the Tonic Sol-fa College, London. 10

One by the Governors of the Royal Irish Academy of Music, Dublin.

One by the Council of the Union of Graduates in Music, incorporated.

Three by the members of the Incorporated Society of 15 Musicians.

Two co-optative members elected by the Council itself.

Tenure of
office and
casual
vacancies.

5. The members of the Council shall be appointed or elected for *five years*, and shall be eligible for re-appointment or re-election. The elected members of the Council must be persons qualified to 20 be registered under this Act.

(a.) If any member of the Council be adjudged bankrupt or make a composition or arrangement with his creditors, or is absent from the Council more than *twelve months* consecutively, except in case of illness, or for some reason approved by the 25 Council, his office shall become vacant.

(b.) A member of the Council may resign his office by notice in writing addressed to the registrar.

(c.) If any casual vacancy in the office of a member of the Council occur by death, disqualification, resignation, or 30 otherwise, such vacancy shall be filled up by the Crown or the institution, as the case may be, which the late member represented as herein-before provided, and if no appointment or election is made for the space of *three months* after the vacancy has occurred, then the appointment shall be made by 35 the remaining members of the Council at a special meeting called for the purpose, and the person so appointed or elected to fill the vacancy shall retire from the office at the time when the vacating member would have retired.

Officers and
proceedings.

6.—(a.) The Council shall elect annually a president from its 40 own members, and may re-elect him for a further period of service.

(b.) The Council shall provide an office and appoint with power to remove a Registrar, and employ such other officers and persons as may be required for the execution of the duties appertaining to the Council, and may assign to any person so appointed or
5 employed, such remuneration as may be approved by the Board of Education. A.D. 1900.

(c.) The Council shall hold a meeting not less than three times in each year.

(d.) The Council may appoint committees and may delegate,
10 with or without conditions or restrictions, any of the powers or duties of the Council to any committee so appointed.

(e.) The Council shall make byelaws, subject to the approval of the Board of Education, for fixing the quorum of meetings, and for regulating their proceedings and the proceedings of their
15 committees.

7. No member of the Council shall be personally liable for any of the acts done by the Council in the carrying out of the duties assigned to them under this Act. Indemnity for acts done by the Council.

8. The Registrar shall form and maintain, under the direction of
20 the Council, an official register of persons qualified to teach music in the United Kingdom and Ireland under the conditions specified in this Act. Register.

9. Except as provided by this Act, a person shall not be qualified to be registered— Conditions of admission to register.

25 (a.) Unless he or she holds a degree, higher diploma, or professional certificate awarded at one of the examinations considered by the Council as satisfactory, and qualifying for admission to the register.

30 (b.) Or, at the time of the *passing of this Act*, he or she has been engaged for not less than *two years* in teaching or practising music as a profession and means of livelihood, and applies for admission to the register within *twelve months* after the time when this Act comes into operation.

10. The Council shall not be bound to register any person whose
35 moral character, in their judgment, renders him or her unfit to be employed as a teacher. Council may decline to register.

11. The Council shall not themselves hold examinations for the purpose of determining the qualifications of persons for admission to the register. Council not to examine.

A.D. 1900.

Qualifications
admitting to
register.

12. The Council shall recognise as proof of qualification for admission to the register :—

- (a.) The degrees granted and conferred in the Faculty of Music by the Universities of Oxford, Cambridge, Dublin, London, Durham, Edinburgh; St. Andrews, the Royal University of Ireland, the Victoria University, the University of Wales, and those granted by the Archbishop of Canterbury in exercise of his ancient right.
- (b.) The higher diplomas, licences, and professional certificates granted after examination at the Royal Academy of Music, London, the Royal College of Music, London, the Royal College of Organists, London, the Royal Irish Academy of Music, Dublin, the Guildhall School of Music, London, Trinity College, London, the Incorporated Society of Musicians, and the Tonic Sol-fa College, London. 15
- (c.) Such other examinations as the Council may at any future time consider satisfactory as qualifying for admission to the register.

Striking off
inefficient
institutions.

13. If in the judgment of the Council any scheduled institution does not maintain a satisfactory standard in its several qualifying examinations, the Council shall notify the same to the official representative of the institution, and *three months* after giving the aforesaid notice, the Council with the consent of the Board of Education is empowered to strike out the name of such institution from the official list. 25

Power to
remove from
register.

14. The Council may remove from the register the name of any person who, after due enquiry, is found by the Council to be guilty of such misconduct as renders him or her unfit for the duties of a teacher, but this power shall not be exercised with respect to any person unless he or she has had reasonable notice of the charge made against him or her, and has been given due opportunity of answering it. 30

Publication
of register.

15.—(a.) The Council shall publish the register once in every year, in such manner as they think expedient, and issue it for sale.

(b.) The names of the registered teachers shall be arranged in alphabetical order, and there shall be an entry with respect to each teacher showing the date of registration and the nature of the qualification or qualifications, with address. 35

(c.) The Council may publish in a separate part of the register the names of registered teachers showing the special branch of music for which they are registered. 40

(d.) The Council shall publish a list of the examining bodies whose professional degrees, diplomas or certificates, shall entitle those who obtain them to admission to the register. A.D. 1900.

16. All persons registered under this Act shall signify in writing to the Registrar before the *first day of December* in each year their desire to remain on the register, and shall supply particulars of any fresh qualification or diplomas gained, with changes of address, and the Registrar shall erase from the new annual issue the names of any persons who, after due notice, omit to give such notification, and the Registrar shall also remove the names of all deceased persons. Annual notification to continue on register.

17. There shall be charged in respect of registration and matters incidental thereto such fees as may be fixed by the Council with the approval of the Board of Education. Fees, expenses, and accounts.

15 (a.) All such fees and all other receipts shall be carried to a fund under the control of the Council.

(b.) There may be paid to the members of the Council out of the funds such fees for attendance at meetings, and such allowances for travelling expenses, as may be approved by the Board of Education. 20

(c.) The accounts of the Council shall be audited and published by or under the direction of the Board of Education.

18. The Council shall in each year make a report of their proceedings to the Board of Education, and this report shall be laid before Parliament. Annual report.

19. A register purporting to be kept in pursuance of this Act shall be deemed to be in the proper custody when in the custody of the Registrar, and shall be of such a public nature as to be admissible in evidence for all matters entered therein on its mere production from that custody. The said register shall be open for public inspection. Evidence of register.

20. A notice for any purpose under this Act may be served on a registered teacher by being sent by post to his registered address. Service of notices.

21.—(a.) Any person who forges or fraudulently alters any certificate under this Act or forges or counterfeits the seal of the Council, or by any false or fraudulent representation or declaration orally or in writing, procures or attempts to procure himself or herself to be registered under this Act, and every person who aids or abets in such offence shall be deemed guilty of a misdemeanour punishable with imprisonment for any term not exceeding *twelve months*. Offences.

A.D. 1900.

(b.) Every person who falsely pretends, or falsely adopts or uses any style, title, designation, or description importing that he or she is a registered teacher under this Act, or that he or she holds a certificate signifying such registration, or that he or she is registered or holds a certificate of registry in any way differing 5 from the one actually held under this Act, or that he or she holds any qualification under or is recognised as a teacher by the Council, shall be liable on summary conviction to a penalty not exceeding *twenty pounds*.

Institution
of pro-
ceedings.

22. The Council may institute any proceeding for punishing an 10 offence under this Act, and may pay any costs thereby incurred as part of their expenses under this Act.

Council
may take
proceedings.

23. All fees under this Act may be recovered as ordinary debts due to the Council, and all penalties under this Act may be recovered and enforced as follows, that is to say:—In England 15 before two or more justices of the peace in manner directed by the Summary Jurisdiction Act, 1848, and any Act amending the same; and in Scotland, before the sheriff or sheriff substitute, or two justices in manner provided by the Summary Procedure Act, 1864, and any Act amending the same; and in Ireland, within the police 20 district of Dublin metropolis, in manner directed by the Acts, regulating the powers and duties of justices of the peace for such district or of the police of such district, and elsewhere in Ireland, before two or more justices of the peace in manner directed by the Petty Sessions (Ireland) Act, 1851, and any Act amending the 25 same.

Penalties
to be paid
to treasurer
of Council.

24. Any sum or sums of money arising from conviction or recovery of penalties under this Act shall be paid to the treasurer of the Council.

Monies.

25. All money received by the Council under this Act shall be 30 applied in carrying into effect the provisions of this Act.

Teachers of Registration.

A

B I L L

For the Registration of Teachers of
Music.

(Prepared and brought in by
Mr. J. W. Sidebottom, Sir Henry Bennet,
Sir John Brunner, Mr. Alban Gibbs,
Sir William Houldsworth, and Mr. Proctor.)

*Ordered, by The House of Commons, to be Printed,
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[Price 1½d.]

[Bill 309.]

Teinds (Scotland) Bill.

MEMORANDUM.

This Bill has been prepared at the request of the Incorporated Society of Law Agents in Scotland.

The object of the Bill is to complete the valuation of the tithes or teinds of Scotland, and to make up, under judicial authority, a roll thereof for each parish converted into money, so that each proprietor of land may know the amount in money to which his property is or may become liable. The want of such a roll has been the cause of a great amount of litigation and uncertainty, not only in connexion with augmentations of stipend and localities thereof, but also in questions between sellers and purchasers, and between neighbouring proprietors.

The Bill does not increase or lessen the liability of the owners, or shift the incidence of the burden of the tithes or teinds in any way. It is purely executive, and aims only at ascertaining the amount of tithes or teinds affecting, or which may be made to affect, each property in a parish according to the present law, and commuting the same into a fixed money value in a more summary and inexpensive manner than is possible under the existing procedure, and at establishing a judicial roll thereof which may be referred to for all purposes.

The Bill will, if passed into law, place the tithes or teinds in such a position that they can be easily and readily dealt with should any change in future take place in or connected with their appropriation.

1901

1902

1903

1904

1905

1906

1907

A
B I L L

TO

Amend the Law of Teinds, and to provide for the stated A.D. 1900.
Conversion of Fiars Prices in certain cases in Scotland.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

- 5 1. This Act may be cited as the Teinds (Scotland) Act, 1900. Short title.
2. From and after the *passing of this Act* all the judges of the Court of Session shall be Commissioners for the Plantation of Kirks and Valuation of Teinds, and the Court of Teinds, as so constituted, herein-after referred to as the Court, any three judges to be a
- 10 quorum, may appoint any judge to be Lord Ordinary on Teinds, herein-after referred to as the Lord Ordinary, and may regulate the sittings of the Court and of the Lord Ordinary, having due regard to the despatch of business. The Lord President may from time to time appoint a judge to act in room of and in succe-
- 15 sion to the Lord Ordinary. Lord Ordinary on Teinds to be appointed.
3. So soon as practicable after the *passing of this Act* there shall be made up at the sight of the Lord Ordinary teind rolls of all parishes in Scotland, which may be in the form contained in the schedule hereto annexed, or in such other form as may be approved
- 20 of by the Court, showing (1) the names of the proprietors ; (2) the names of the lands or leading name of the estate ; (3) the value of the teinds in money, the same being converted where in grain or victual, on an average of the fiars prices of the county according to which they fall, to be computed for the *twenty-one years* preceding
- 25 crop and year one thousand nine hundred ; and (4) the value of the stipend chargeable on the teinds according to the same average ; and in all cases vicarage teinds shall be computed according to use and wont.

Where in computing the average of the fiars prices there shall arise a fraction of a penny, the same may be treated as a penny ;

[Bill 113.]

A 2.

A.D. 1900. — and no fraction of a penny shall be entered in any teind roll, but the nearest integral sum less or more shall be entered.

In the course of the adjustment of any teind roll it shall be competent to an heritor to exercise such rights of obtaining approbations of sub-valuation reports and of surrendering his valued 5 teinds as would have been open to him in a process of augmentation, modification, and locality, before the passing of this Act; and any such surrender may be limited to a share of valued teind as divided in a final process of locality or ascertained by a joint minute by the parties interested. 10

Surplus
teinds.

4. Where on its being ascertained that the surplus teinds in any parish do not exceed *ten pounds* in amount, the same shall be added to the stipend without any special award by the Court; but where the surplus teinds shall exceed that amount, it shall be competent to the Court, on a summary application by the minister, with 15 consent of the presbytery of the bounds, and after such intimation as the Court may direct, and notwithstanding that the last augmentation was granted within the last twenty years, to proceed to award such a further sum as the Court may, having in view the amount of unexhausted teinds and the whole other circumstances 20 of the parish consider a sufficient and final award of stipend, and no augmentation from the teinds of the parish shall thereafter be competent.

Where parties of consent agree to a larger sum than *ten pounds* and not exceeding *thirty pounds* being given as a final augmen- 25 tation of stipend, the parties may lodge a joint minute to that effect, and the Lord Ordinary shall interpose authority and remit to the clerk to give effect thereto.

Powers of
Lord
Ordinary.

5. The Lord Ordinary may proceed with the execution of his duties in such manner as may be directed by the Court, and, failing 30 special directions, as he may consider best calculated to dispose of the business in a summary manner, and shall have full power to call for all proceedings and documents which may be found necessary in the course of his inquiries. Proceedings may be initiated by the minister or any heritor of the parish, but only as 35 far as allowed by this Act or permitted by the Court or Lord Ordinary. The opinion of the Court may be taken on appeal if allowed by the Lord Ordinary or on his report.

Valuations
to receive
effect.

6. When teinds have been treated as valued in two consecutive final localities, or have been so treated in the latest process of 40 locality, whether interim or final, and in such last-mentioned case stipend has been allocated and paid in virtue of such valuation

for the period of twenty years next preceding the *passing of this Act* without judicial objection, the teinds shall be held valued accordingly, and no objection shall be admitted as to the validity of any sub-valuation or valuation of teinds which has received
 5 effect for said period. A.D. 1900.

7. Where a heritor produces or has formerly produced or where the proceedings bear that he has formerly produced, a title to his lands cum decimis inclusis et nunquam antea separatis which has been given effect to in two consecutive final localities, or in the
 10 last process of locality, whether interim or final, and which in such last-mentioned case has been acted on for twenty years preceding the *passing of this Act*, the right of the heritor to immunity from the teinds shall be valid, all objections notwithstanding. Titles cum decimis inclusis in certain cases to be held good.

8. Where teinds are unvalued, it shall be optional to take a *fifth* part of the free rental, or for the heritor to have the teinds of the subjects valued on a summary application, which may be in the form contained in the schedule hereto annexed, or in such summary form and manner as the Court may appoint. Unvalued teinds.

9. In all proceedings under this Act the minister of the parish, with consent of the presbytery of the bounds, shall have power as representing the benefice to compromise or transact any question which may be in dependence or may arise, and the Lord Ordinary shall have power to interpose authority to any such compromise or transaction, and to give effect thereto in making up the teind roll
 25 of the parish. Minister's power to compromise.

It shall also be competent for heirs of entail, trustees, minors with consent of their guardians nominated to them, or of a curator ad litem who may be appointed by the Lord Ordinary, to take all proceedings competent to any heritor in relation to the teinds of
 30 a parish in which he is liable for stipend. Heirs of entail, &c. may take proceedings.

10. When the teind roll of a parish is approved finally by the Lord Ordinary, or on appeal by the Court, as the case may be, it shall have the effect of a decree of valuation of the teinds for each subject entered therein, and of a decree fixing the order of liability
 35 of the heritors in respect of the several subjects entered therein, and of a decree of modification and locality fixing the stipend as converted into money and the allocation thereof among the heritors, and determining the rights and obligations of all other parties in and to the teinds. A copy of the teind roll of any parish certified
 40 by the clerk of Court shall be accepted as evidence in all judicial proceedings. Effect of teind roll.

- A.D. 1900. **11.** The teind roll of each parish when completed shall be placed in the custody of the Keeper of Records in Scotland, and when the Lord Ordinary or the Court has finally approved the teind rolls of all the parishes in Scotland the same shall be reported to the Lord President of the Court of Session, and thereafter and after such notice and subject to such regulations as the said Court may prescribe by Act of Sederunt the separate Commission for Plantation of Kirks and Valuation of Teinds shall cease and determine, and all business formerly conducted before the Court of Teinds shall be conducted before the Court of Session, which shall have the same powers as were possessed by the Court of Teinds in all matters entrusted to it. 5
- Conclusion of teind business. Future access to teind records to be arranged by Treasury. When the whole valuations have been completed, it shall be competent to the Treasury to make such arrangements for the custody of the records of the Teind Court as may be found necessary and expedient in order that the lieges may be afforded due access to such records at such times and on such terms as the Treasury may appoint. 15
- Proceedings under Glebe Act remitted to Lord Ordinary. **12.** From and after the *passing of this Act* all applications to the Court under the Glebe Lands (Scotland) Act, 1866, and all applications which have been already brought before the Court under said Act and not finally disposed of, shall be dealt with by the Lord Ordinary subject to the review of the Court in ordinary form. 20
- Expenses of carrying the Act into effect. **13.** *The expenses of carrying into effect the purposes of this Act, so far as not provided for by fee fund dues, shall be defrayed out of moneys to be provided by Parliament.* 25
- Court to regulate proceedings. **14.** The general regulations contained in the schedule hereto annexed shall receive effect so far as the same shall not be altered by the Court; and the Court is hereby authorised from time to time by Act of Sederunt to regulate the whole proceedings that may be necessary, including the hearing before the Court of applications for augmentations of stipend, so far as hereby sanctioned, and appeals from or reports by the Lord Ordinary, and likewise to fix the amount of fees to be levied by way of fee fund dues on the proceedings, and which fees shall be paid in fee stamps or in such other manner as may be directed by the Treasury. 30 35
- Fiars prices. **15.** From and after the *passing of this Act* it shall not be necessary for any sheriff in Scotland to hold a court for striking the fiars prices provided always that on the application of any person interested, he may, on cause shown, and after such notice as he may consider necessary, hold a court for striking the fiars prices within his sheriffdom. 40

16. Within two months after the *passing of this Act* the Clerk of Teinds shall prepare a table showing for each county in Scotland the average of the fiars prices of each kind of grain for which fiars have been struck in the county in the twenty-one preceding years, and the said table, which shall lie in the teind office for inspection of all concerned, and of which copies shall be sent to every sheriff clerk with a view to its being inspected in each of his offices, shall be the rule for calculating minister's stipend in a parish until the teind roll made up for that parish under the provisions of the Act has been finally approved of, and shall also regulate all payments which, under any contract, or deed, other than agricultural leases, or under any decreet, fall to be made according to the fiars prices. But where a stipend is at present payable according to the fiars prices of one or more counties other than the county in which a parish is situated, the same shall be calculated accordingly.

A.D. 1900.
Table
showing
average of
fiars prices to
be prepared.

17. All laws, statutes, Acts of Sederunt, and usages shall be and the same are hereby repealed in so far only as they may be in any way inconsistent or at variance with the provisions of this Act, but in other respects they shall remain in full force and effect, and this Act shall be read and construed with the terms thereof.

Repeal of
laws, &c.
inconsistent
with Act.

A.D. 1900.

SCHEDULE.

GENERAL REGULATIONS.

The following regulations shall receive effect so far as the same shall not be altered or varied by the Court of Teinds by Act of Sederunt:—

Cases where part of the stipend is paid from Exchequer.

50 Geo. 3. c. 84.
5 Geo. 4. c. 72.

1. The Lord Ordinary shall, as soon as may be convenient, pronounce a general order remitting to the clerk of teinds to make up a roll of the teinds and stipend for each and every parish where part of the stipend is derived from Exchequer, whether by a grant under the Small Stipend Acts or of prior date, and shall appoint the Minister in each case to lodge with the clerk, within one month, a note setting forth the name and address of each heritor, the leading name of the lands from which stipend is paid, and the amount of teind, whether victual or money, drawn from each heritor in name of stipend. The heritors shall also within the same time lodge any statement that they desire to be kept in view in making up the teind roll. When the teind roll of a parish has been printed it shall be allowed to be seen for one month, and it shall thereupon become final unless the Lord Ordinary shall see cause to allow further time. 5 10 15

Cases where Teinds have been exhausted by stipend.

2. When the cases under the preceding section have been disposed of, the Lord Ordinary shall pronounce a general order (in terms similar to that above mentioned in section one) applicable to each and every parish where the teinds have been exhausted by stipend allocated on heritors, whether the teinds have been surrendered or not. 20

Teinds not to be increased or diminished under secs. 1 and 2.

3. In all cases falling under the two preceding sections the teinds shall be accepted, whether valued or not, as of the amount given up and adopted by the Court under any remit, or any locality whether interim or final, and shall not be increased or diminished, reserving only the effect of conversion under this Act as affecting the amount. 25

Application by minister for a final augmentation.

4. The application by a minister for a final augmentation of stipend may be in the form herein-after provided, but no application shall be entertained by the Court under this section till all the causes referred to in sections 1 and 2 hereof have been disposed of. 30

Application for a special valuation by a heritor.

5. During the dependence of cases falling under the fourth section hereof, any heritor the teinds of whose lands, or of a portion thereof, are unvalued, may present a petition to the Lord Ordinary for a special valuation thereof, in the terms herein-after provided, and the proof, if there be no opposition, may be taken before the sheriff of any county or the clerk of teinds and reported to the Lord Ordinary, who shall pronounce a deliverance thereon. 35

In opposed cases the proof may be taken before the Lord Ordinary or a special commissioner to be appointed by him. A.D. 1900.

6. The Court shall appoint sittings for disposing of any current business that can competently be brought before it, including—(1) applications under section 4 hereof; (2) appeals from the Lord Ordinary in cases arising under section 5 hereof, if allowed by the Lord Ordinary, and also for disposing of any other matter in which the Lord Ordinary may wish the direction of the Court, or which may be reported to the Court at the request of parties.

7. It shall be competent in all cases where thought desirable to obtain an order from the Lord Ordinary for the heritors to meet and choose a common agent, and the minute of appointment shall be lodged with the clerk and reported to the Lord Ordinary: and if the whole heritors concur it shall not be an objection that the common agent is also the private agent of the titular, or one of the heritors.

8. The Lord Ordinary may appoint special intimation of any proceedings when he shall deem it necessary, but where no special intimation is ordered, it shall be sufficient intimation in all cases that the order to proceed to make up the teind roll of a parish has been intimated once in each of the rolls of the Court, the teind minute book, the "Edinburgh Gazette," and a newspaper circulating in the district, and thereupon the minister of a parish included in such notice shall be entitled to lodge an application for a final augmentation: Further, it shall be assumed in every case that the parish minister or moderator of presbytery, in the case of a vacancy, fully represents the benefice; and intimation to him or the moderator of presbytery, if the parish be vacant, and to the titular of an application for a special valuation shall be sufficient.

In absence of special order for intimation, certain intimation to be sufficient.

9. There shall be levied and paid in law court stamps the following fee-fund dues towards the expense of making up the teind roll:—

	£	s.	d.
1. From the county council in respect of each parish within the county		3	3 0
<i>N.B.</i> —This fee shall be payable by the clerk or treasurer of the county council so soon as the clerk of teinds shall have intimated that the roll of a parish has been completed. Where a parish is situated in more than one county, the fee shall be allocated by the clerk of teinds upon each county interested as near as may be in proportion to the stipend payable by each.			
2. For each printed form of application for a final augmentation or of application for special valuation		0	10 0
<i>N.B.</i> —This form shall be supplied by the clerk of teinds, and the above fee shall be in full of all fee-fund dues.			

A.D. 1900.		£	s.	d.
—	3. For a joint minute fixing amount of stipend, when fixed by consent	—	—	—
		0	10	0
	4. For each print, whether a proof or final teind roll of a parish, viz. :—			5
	(1) Not exceeding two pages	0	2	6
	(2) Exceeding two pages	0	5	0

10. An application for a final augmentation of stipend may be in the following terms :—

Unto the Right Honourable the Lords of Council and Session, Commissioners for Plantations of Kirks and Valuations of Teinds. 10

THE PETITION OF

A, Minister of the parish of B, in the Synod of C and county of D.
Humbly sheweth,—

That the petitioner's present stipend, which was last augmented on 15
, as calculated in terms of the Teinds (Scotland)
Act, 1900, amounts to the sum of £ . That, as shown by the
state of teinds in last locality, there are surplus teinds in the parish
amounting to £ , or thereby, which are available for giving
him a suitable augmentation. That he now craves that an additional sum 20
of £ be awarded to him, with a view to being allocated upon
the heritors in terms of their rights, and as a final augmentation out of the
teinds of the parish.

May it therefore please your Lordships to take the premises into your
consideration, and award to the petitioner as a final augmentation the 25
said sum of £ , in addition to the present stipend, or
such other sum as to your Lordships shall seem proper in the circum-
stances of the case.

Note.—The Court may require the special circumstances of the case to be more fully stated orally before advising the cases.

According to Justice, &c.

A, or

E, Agent of the said A.

30

1. INTERLOCUTOR BY THE COURT BY TEINDS.

Edinburgh,

The Lords having advised the foregoing petition, and heard counsel thereon, allow, as a final augmentation, the sum of £
as an addition to the present stipend, including communion elements, thus 35
increasing the same to the sum of £ , along with the sum
of £ for communion elements, commencing with crop and year
, and remit to the Lord Ordinary to give effect to this judgment,
and decern.

11. An application for a special valuation of teinds may be in the A.D. 1900. following terms:—

Unto the Honourable the Lord Ordinary on Teinds.

THE PETITION OF

5 A, *Heritable Proprietor of the Lands and others after mentioned.*
Humbly sheweth,—

*[Here give a short description from the title.]

That the teinds of the petitioner's lands of* are unvalued, and he is desirous that the same should be valued according to the current rental.†

† That the lands are let on a lease of

years from [state terms] at an annual rent of £ (or that the lands are not let on lease but let from year to year, the present rent being £) [if deduction be claimed for improvement, here state the nature of it, and the amount claimed], one fifth whereof for teinds. parsonage and vicarage, is £ .

- 10 May it therefore please your Lordship, on consideration hereof, with evidence to be adduced, to find that the rent, stock, and teind of the lands above described is of the constant yearly value of £ sterling, one-fifth whereof for teind, parsonage and vicarage, is £ , and to find and declare that the said sum of £ sterling per annum is the
- 15 constant and fixed yearly duty, and the just, constant, and true value of the teinds, parsonage and vicarage, of the said lands and pertinents in all time coming; and, further, that the petitioner and his heirs and successors are entitled to have the leading and drawing of the teinds of the said lands in all time coming.

20 According to Justice, &c.

A, or

B, agent of the said A.

A.D. 1900.

* If under lease, state so and that present rental is full annual value. If not under lease, state what the lands would let at on a nineteen years' lease, and, if pasture, on an eleven years' lease.

Should deductions be claimed for improvement, witness may state his opinion thereon, but evidence has also to be produced that these were made within the seven years immediately preceding the raising of the valuation proceedings. A statement, with vouchers, has also to be produced, and will be examined and certified so far as admissible by the clerk of teinds.

2. CURRENT RENTAL OF THE LANDS ABOVE REFERRED TO,

The said lands are at present let and occupied as follows:—

3. DEPOSITIONS OF SKILLED WITNESSES.

At the day of year in presence of

Compeared , who being solemnly sworn and examined, depones 5
that he has examined the lands of within specified and*

Compeared , who being solemnly sworn and examined, depones
and concurs *in omnibus* with the preceding witness.

4. NOTE OF PRODUCTIONS HEREWITH,—viz.,

1. Certified copy entry in valuation roll.*

10

* The lease and any other productions should be specified. The title not to be produced unless specially called for.

Teinds (Scotland).

A

B I L L

To amend the Law of Teinds, and to provide for the stated Conversion of Fiars Prices in certain cases in Scotland.

*(Prepared and brought in by
Mr. Nicol, Mr. Renshaw, Sir Herbert Maxwell,
Sir Thomas Gibson-Carmichael, Mr. Gordon,
Sir John Stirling-Maxwell, Mr. Robert Wallace
(Perth), Mr. Alexander Cross, and
Sir Walter Thorburn.)*

*Ordered, by The House of Commons, to be Printed,
6 March 1900.*

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[*Price 2d.*]

[Bill 113.]

[63 VICT.] *Temperance Reform Threefold Option (Scotland).* 1

▲
B I L L

TO

Effect Direct Local Control of the Liquor Traffic in Scotland, A.D. 1900.
and other Temperance Reforms.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 5 1. From and after the date of the *passing of this Act*, the power and right shall belong to the Electors in each Licensing Area, as herein-after defined, to exercise direct control over the retail traffic in exciseable liquors within their bounds, by means of one or other of the following options, if they shall at the poll so decide:—
- 10 (1) By Local Limitation, which shall mean the reduction of the retail licences to a number which shall not exceed the proportion to the electorate herein-after set forth;
- 15 (2) By Local Management, which shall mean the taking over by the Licensing Authority of all the retail licences within the Licensing Area, and managing the whole retail traffic therein for the public behoof, subject to the conditions herein-after set forth;
- 20 (3) By Local Prohibition, which shall mean the refusal of all retail licences within the Licensing Area, subject to conditions and exceptions herein-after set forth.
- 25 2. From and after the aforesaid date, the Licensing Authority, to whom shall be transferred and in whom shall be vested all powers existing under present licensing laws or created by this Act, shall be (1) for a Burgh, the Town Council, including for a Police Burgh, the Burgh Commissioners; and (2) for a County, the County Council, save in so far as modified by the succeeding clauses of this Act.

The
Principle
and
Methods.

The Autho-
rity.

[Bill 170.]

A

A.D. 1900.
The Area.

3.—(1.) The Licensing Area shall be—(1) for a Burgh, the area under the municipal council government, including for a Police Burgh the area under the government of the Burgh Commissioners; and (2) for a County the area under the County Council government; but, in every case, with these provisoes (a) When any burgh has fewer than two thousand electors on the municipal register, it shall be treated as part of the County in which it is situated, and the Licensing Authority for the whole area thus constituted shall be the combined Councillors of the County and the Burgh respectively; (b) It shall be lawful for the County Council at their first 10 meeting in the month of *May* next after the passing of this Act and thereafter from time to time, to divide the county into districts, for the purposes of this Act, in such manner that each district shall comprise a group of the electoral divisions created under the Local Government (Scotland) Act, 1889, constituting a homo- 15 geneous unit of population, and that each parish, so far as within the county, shall be wholly included in one district; provided always that no district thus created shall include less than six parishes. And the Licensing Authority for the district thus created shall consist of the County Councillors for the electoral divisions 20 comprised in such district, together with the Town Councillors or Police Commissioners of any Burgh included therein under the foregoing provision.

The Electors.

4. The Electors under this Act shall be (1) in Burghs, those entitled to vote in the election of Town Councillors or of Burgh 25 Commissioners, and (2) in Counties, those entitled to vote in the election of County Councillors.

The Poll.

5.—(1.) At any time after the *passing of this Act*, the Licensing Authority may take, and on the requisition of *one-tenth* of the qualified electors within the Licensing Area shall be bound to 30 take, a poll of the electors, and the poll, in all cases, shall be conducted as nearly as possible under the same law and practice as the elections for the Burgh Council and County Council are conducted, the expenses being provided in the same manner out of the same rates.

(2.) Every elector shall have three votes, one for or against each Option; (a) if Local Prohibition be carried by a majority of persons on the register of voters and by *two-thirds* of the persons voting, it shall be adopted; (b) if Local Prohibition be not thus carried, but if there be, nevertheless, a majority in favour of Local 40 Limitation or of Local Management, that Option having the larger

majority shall be adopted, provided always that such majority must also be a majority of persons voting at the poll; and in the event of the majorities being equal, the Sheriff of the County shall have a casting vote; (c) if the majority required by this Act be not
 5 recorded for one or other of the foresaid three Options, then and in that case the Licensing Authority created by this Act shall administer the existing laws, save and in so far as these have been added to, altered, or amended by this Act.

A.D. 1900.

(3.) When a poll has been taken under this Act in any Licensing
 10 Area a further poll may be taken at the discretion of the Licensing Authority; and on the requisition of *one-tenth* of the qualified electors within the Licensing Area shall be taken, but not sooner than *five years* from the date of the last poll.

6. When a poll has been taken, and one of the three options is
 15 carried in the manner required by this Act, such option shall, from and after the next term of Whitsunday, become the law within the said Licensing Area, and shall be carried out as is herein-after set forth.

Results of
poll.

7.—(1.) In the event of Local Limitation being carried, the
 20 Licensing Authority shall give notice that *five years* from the date of the next term of Whitsunday (or at an earlier date on the terms herein-after provided) the renewal of all existing licences shall be refused, and said authority shall, at the expiry of the said *five years*, fix the number of retail licences to be granted, and their approxi-
 25 mate distribution within the Licensing Area, which licences shall not exceed (inclusive of licences that may be granted under section twelve hereof) one licensed house for every three hundred electors within an urban district, *i.e.*, under the government of a Town Council or Police Commissioners; and one licensed house for
 30 every one hundred and fifty electors within a rural district, *i.e.*, under the government of a County Council, without detriment to the rights and powers of the Licensing Authority, under the existing law, to reduce licences.

Local
Limitation.

(2.) On the expiry of the said period of *five years*, or at an
 35 earlier date as herein-after provided, the Licensing Authority shall put up to public auction each of the certificates for the licences to be issued, and shall issue the same to the person offering the largest annual Licence Fee.

(3.) The licences so granted shall exist for *five years*, provided the
 40 annual Licence Fee and the annual Licence Rent be duly paid, without detriment to the power of the Licensing Authority to withdraw the same for any breach of the existing laws or of this Act.

A.D. 1900.

(4.) The Licensing Authority may renew any licence to the holder thereof on expiry of the period of *five years* for which it is granted, and on the same terms and without the necessity of a new auction, if satisfied this course is for the public welfare.

(5.) Should licences not be renewed, as provided in the immediately preceding subsection, the Licensing Authority shall re-expose the same to public auction at the expiry of every period of *five years*, and shall dispose of them as provided in subsection two of this section. 5

(6.) Any such licence may, during the currency thereof, be transferred for the unexpired period of *five years* still to run, to any transferee whose fitness to hold a licence shall be approved of by the Licensing Authority (subject to appeal to the Sheriff of the County, whose decision shall be final), and such transferee shall hold the licence on the same conditions as the original grantee for the period still to run of said five years. 10 15

Local
Manage-
ment.

8. In the event of Local Management being carried, the Licensing Authority shall, not later than *five years* from the next term of Whitsunday thereafter, or at an earlier date on the terms hereinafter specified, take over and manage within their own area the whole retail traffic in exciseable liquors (exclusive of licences granted under sections twelve and seventeen hereof), either by a committee of their own number, or by authorising a public company expressly constituted for the purpose, with direct responsibility to the licensing authority, and under the conditions herein-after set forth, and also under the limitation as to number of licences provided by section seven hereof; and the Licensing Authority shall adopt one or other of these methods of Local Management at its own discretion, and under the following provisos: namely,— 20 25

(1.) The Local Management being undertaken under either of the aforesaid methods, the whole surplus profit on the traffic, but in the case of a company after payment of not more than four per cent. per annum on capital employed, shall be paid over to the Temperance Reform Fund, herein-after referred to: 30

(2.) Where the Local Management is undertaken by a committee, the Licensing Authority may, if they think fit, appoint to the committee any persons, not being members of the Licensing Authority, to a number not exceeding *one-half* of the whole number of the committee: 35

(3.) Where the Local Management has been entrusted to a public company, as aforesaid, the Licensing Authority may, subject to *twelve months'* notice, cancel the grant, and take over the 40

whole management on payment only of the value of the stock in trade, furniture, fittings, and utensils of the concern, as the same, failing settlement, may be fixed by arbitration in the manner provided in subsection two of section eleven hereof: A.D. 1900.

- 5 (4.) The accounts of Local Management under either of the said alternative forms shall be submitted to an annual audit, the auditor to be appointed by the Sheriff of the County.

9. In the event of Local Prohibition being carried, the Licensing Authority shall, not later than *five years* from the next term of Whitsunday thereafter, or at an earlier date on the terms herein-
after specified, refuse every retail licence within the area, subject to the exceptions and conditions herein-after set forth with reference to licences that may be granted under sections twelve and seventeen hereof. Local Prohibition.

- 15 10. For the purposes of this Act the licensing authority shall constitute a Temperance Reform Fund, and shall pay into the same all sums received as Licence Rent and Licence Fee under this Act, and they shall also have power to borrow money for said fund on the security of the rates (to be afterwards repaid from said fund) for the more effective and speedy accomplishment of the ends herein set forth, and further:— Temperance Reform Fund.

- 25 (1.) The Licensing Authority, at the date of coming into actual operation of any of said options, shall exact and receive from the proprietor of any property occupied as licensed premises, except as herein-after provided, an annual Licence Rent, to be fixed by the assessor appointed under the Valuation Acts, equivalent as near as may be to half the difference of the rent of that house when licensed as compared with the rent it would draw for any ordinary business.

- 30 (2.) The Licensing Authority, at the date of coming into actual operation of any of the said options, shall exact and receive from the holders of licences, other than licences under sections seven and eight hereof, and apart from any Excise dues, a Licence Fee equal to four per cent. on the price of all exciseable
35 liquors purchased by them, as the same may be ascertained by their Excise permits, except in the cases herein-after provided.

- (3.) No Licence Rent or Licence Fee shall be payable by any proprietor or licence holder in respect of any premises licensed or licence held as to which a time notice under section eleven
40 subsection one hereof has been given.

A.D. 1900. — (4.) The Licensing Authority, after meeting all claims and repaying any loans under this Act, shall use the free surplus for either or both of the following purposes as they in their sole discretion may determine—viz., first, payment of the same by them into the National Exchequer; or, second, the promotion of public and benevolent enterprises that cannot be supported out of the rates.

Compensation. 11. The Licensing Authority, upon a poll resulting in the carrying of any one of the options herein provided for, shall, at its own discretion, adopt either of the following methods of settling any 10 or all claims, that may arise on the compulsory closing of licensed houses, without fault, on the part of the owner or licensee:—

Time notice. (1) By giving a time notice of *five years*, to date from the next term of Whitsunday subsequent to the poll, with certification that, provided the licence is not cancelled by default before the 15 expiry of said period of years, it may be renewed as under the law existing prior to the passing of this Act, but at the close of said period it shall lapse and shall not be renewed, and that without any claim for compensation; or—

Money payment. (2) By giving notice that at the next term of Whitsunday 20 subsequent to the date of the poll renewal of the licence shall be refused on payment of a sum of money out of the said Temperance Reform Fund, which sum shall not exceed, as regards the owner of the property licensed, three years' rent, and as regards the holder of the licence a sum equivalent to five 25 years' net profit of the business, and which sums shall, failing settlement, be fixed by two arbiters mutually chosen, who shall have power to fix an oversman, whose decision, failing agreement of the arbiters, shall be final: provided always that any less sum than either of the said maximum rates may be given 30 as may, in the opinion of the arbiters or oversman, be sufficient compensation.

Hotels, &c. 12. Power shall be vested in the Licensing Authority, subject to appeal to the Sheriff of the County, to grant a licence for any hotel or restaurant as they may deem meet and convenient, but only on the 35 terms herein-before set forth, and on such further conditions as shall secure, as regards hotels, that exciseable liquors shall be sold only to lodgers therein, and as regards restaurants only to persons taking a meal thereat, or in the case of railway restaurants to persons arriving or departing by train, and in every case only for 40 consumption on the premises.

13. Every club wherein exciseable liquors are supplied for consumption on the premises must apply for a licence to the Licensing Authority, who may register it as a licensed club, in the name of not less than seven persons, members thereof, and under the terms and conditions applicable to licences set forth in section ten hereof; and every such club may at any time be inspected at the instance of the police or of the Licensing Authority, who shall have the power, on being satisfied that its main object is to evade the licensing laws, to close it, subject to appeal to the Sheriff of the County, whose decision shall be final.

A.D. 1900.
Clubs.

14. The Licensing Authority shall have power to close all or any of the licensed houses within their area, either during the whole day or during such hours as they may deem for the public good on all public holidays, on New Year's Day, and on all days of municipal, county council, parish council, parliamentary, and school board elections; as also to decide that all licensed houses within their area shall close on every lawful day at such earlier hour as they shall consider best for the public welfare.

Closing
licensed
houses.

15. Nothing in this Act shall affect the sale of alcoholic liquors for medical uses, or methylated spirits for the purposes of science, art, and manufacture, but the Licensing Authority shall be empowered to make such conditions thereanent, subject to the approval of the Secretary for Scotland, as shall prevent the abuse and evasion of the law under cover of these exceptions.

Exceptions.

16. As regards grocers' licences, power shall be vested in the Licensing Authority to refuse a licence to any grocer's shop on giving one year's notice of its intention so to do, or on payment by way of compensation to the licensee of a sum of money not exceeding one year's nett profit on the sale of exciseable liquors, in which latter case no notice shall be required.

Grocers'
licences.

17. No licence for the sale of exciseable liquors shall hereafter be granted to any theatre, music hall, or public place of amusement except by the Licensing Authority hereby constituted, subject to review by the Sheriff of the County, whose decision shall be final.

Theatres, &c.

18. The Secretary for Scotland shall have power to make such byelaws and regulations as in his judgment seem necessary to carry into effect the various methods of control authorised by this Act.

Byelaws.

19. Nothing in this Act shall apply to canteens within barracks occupied by soldiers, instituted and permitted under the Queen's Regulations then in force for the army.

Canteens.

8 *Temperance Reform Threefold Option (Scotland)*. [63 VICT.]

A.D. 1900.

Existing
licensing
laws.

20. The existing licensing laws, so far as not hereby altered or repealed, shall remain in force.

Short title.

21. This Act may be cited as the Temperance Reform Threefold Option (Scotland) Act, 1900, and the appended Schedule is to be used in the execution of its enactments. 5

Extent.

22. This Act shall only apply to Scotland.

SCHEDULE.

A.D. 1900,

THE POLL.

1. The Licensing Authority, empowered, or requisitioned, to take a Poll in pursuance of this Act, shall appoint a Returning Officer for the same, and
5 shall, not later than *ten* days after the date of their resolution to take a Poll, or the date of the receipt of a sufficient requisition to do so, fix a day for the same, not sooner than *twenty* and not later than *thirty* days after the latter date.
2. The Returning Officer shall not later than *fifteen* clear days before the
10 Poll, cause a printed notice of the time and place thereof to be posted in conspicuous places within the Licensing Area affected thereby, and shall also advertise the same in one or more newspapers circulating widely therein.
3. The Returning Officer shall make arrangements, as nearly as may be, in accordance with the Acts for the time being in force for Municipal and
15 County Council Elections, and shall use for voting purposes the following form of Ballot Paper :—

THE BALLOT PAPER.

20	Counterfoil No. (Same as back of Ballot Paper.)		For.	Against.
		1. LOCAL LIMITATION.		
		2. LOCAL MANAGEMENT.		
		3. LOCAL PROHIBITION.		

NOTES.

- 25 Every Elector shall have one Vote For or Against each of the three Options, but no Elector may place more than one cross opposite any one Option.

Temperance Reform Threefold Option (Scotland).

A

B I L L

To effect Direct Local Control of the
Liquor Traffic in Scotland, and other
Temperance Reforms.

(*Prepared and brought in by*
Mr. Parker Smith, Mr. James Campbell,
Sir Mark Stewart, Sir Walter Phorburn,
Mr. Ure, and Mr. Yoxall.)

Ordered, by The House of Commons, to be Printed,
3 April 1890.

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[*Price 1½d.*]

[Bill 170.]

Tenants in Towns Improvement (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Commencement of Act.
3. Interpretation of terms.

PART I.

4. Lessees may acquire certain reversions and also the freehold of premises by purchase.
5. Power to acquire reversions to be exercised concurrently.
6. Notice by lessee of intention to acquire reversions.
7. Production of deeds relating to the reversions and of the lease of the demised premises.
8. Lessee may purchase reversions by agreement.
9. Application to court.
10. Court to fix a day for hearing and to send notices to parties.
11. Jury may be demanded by any of the parties.
12. Assessment of purchase money.
13. Conveyance where title cannot be expeditiously proved.
14. Observance of restrictive covenants.
15. Payment of purchase money into court and issue of certificate of purchase.
16. Distribution of purchase money.
17. Provision for cases of disability.
18. Trustees may purchase under certain conditions.
19. Provision in case of irregularities.
20. Costs to be paid by lessee.
21. Costs in case of default of lessee or of unfounded claim.
22. Limitation in certain cases of right to apply to court.
23. Life leaseholds within provisions of Act.

[Bill 29.]

a

PART II.**GENERAL PROVISIONS.****Clause.**

- 24. Limit of county court jurisdiction.
- 25. Occupiers only to have right to apply to court.
- 26. Appeals.
- 27. Rules
- 28. Forms in schedule.
- 29. Notices may be printed or written.
- 30. Service of notices.

SCHEDULE.

A

B I L L

FOR

Improving the condition of Tenants in Towns in
Ireland.

A.D. 1900.

WHEREAS in nearly all the towns in Ireland the owners and occupiers of business premises and private dwellings have between them and the owners in fee several intermediate lessees who have certain terms outstanding between such owners and
5 occupiers :

And whereas it is expedient that such owners and occupiers should be enabled to acquire the intermediate interests between themselves and the owners in fee, so that owners and occupiers may be encouraged to make improvements in their holdings :

10 That the occupiers of small houses of the working classes shall be entitled to acquire the fee of the houses in which they live :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and
15 by the authority of the same, as follows :

1. This Act may be cited for all purposes as the Town Tenants Short title.
(Ireland) Act, 1900. :

2. This Act shall come into operation on the *first day of* Commence-
September, one thousand nine hundred, which date is herein-after ment of Act.
20 referred to as the commencement of this Act.

3. In this Act the following words and expressions shall have the interpretations and meanings in this section assigned to them respectively, unless there be something in the subject or context repugnant to such construction ; (that is to say,)

25 " Lessor " means any intermediate owner between the occupying tenant and the owner in fee :

[Bill 29.]

A

Interpreta-
tion of
terms.

A.D. 1900.

- “Lease” means a lease, under-lease, assignment operating as a lease or under-lease, or an agreement for such lease, under-lease, or assignment, or a yearly tenancy :
- “Life lease” means a lease or an agreement for a lease for years determinable on the expiration of a life or lives, or a grant 5 or an agreement for a grant for a life or lives :
- “Lessee” includes any person in occupation of any holding who is entitled to the equity or redemption in a lease subject to a mortgage and where the demised premises are comprised in or affected by a settlement includes the tenant for life, or 10 the person having the powers of a tenant for life under such settlement or in respect of such settled land, and any occupying tenant :
- “Settlement,” “settled land,” and “tenant for life,” have the same meanings respectively as in the Settled Land Acts, 15 1882 and 1884 :
- “Owner in fee” means any person entitled to the freehold reversion expectant on the determination of a lease or superior or intermediate lease, or if such freehold reversion shall be settled land or comprised in or affected by any settlement, 20 then the tenant for life or person entitled to exercise the powers of a tenant for life in respect of such settled land or under such settlement :
- “Holding” includes any messuage, dwelling-house, shop, cottage, church, chapel, or other building, and any buildings, yard, 25 garden, pleasure ground, or other piece of land used in connexion therewith held in pursuance of a lease as defined by this Act, so that such buildings, yard, garden, pleasure ground, or other piece of land do not exceed one acre in extent : 30
- “Court” means the land commissioners or sub-commissioners appointed under the Land Law (Ireland) Act, 1881, and the county courts in Ireland :
- “Local authority” means the district council in any urban or rural district having authority for the enforcement of Acts relating 35 to buildings, sanitary regulations, or the public health :
- “Person” includes a body of persons corporate or unincorporate :
- “Prescribed” means prescribed by rules made in pursuance of this Act :
- “Reversions” include all interests beyond the tenancy of the 40 occupier other than the interest of the owner in fee :
- “Rules” include “forms.”

PART I.

A.D. 1900.

4.—(1.) From and after the commencement of this Act every lessee as incident to and inseparable from his interest in any lease or life lease granted, before or after the commencement of this Act shall have the right to acquire the reversion expectant or consequent upon the determination of the said term, and the reversions of any superior or intermediate lease or interest and also the freehold reversion in the demised premises in the manner herein-after provided, but a lessee shall not be entitled to exercise such right in respect of part only of the premises demised by such lease except where such part is the subject of a separate tenancy, and such separate tenancy is not of a portion only of a holding.

Lessee may acquire certain reversions and also the freehold of premises by purchase.

(2.) Provided nevertheless that in cases where the occupying tenant holds only from year to year, or under agreement for a term not exceeding *three years*, has not established or carried on any business on the premises or made any outlay which would enhance the value of them, or otherwise acquired any beneficial interest in the premises, the owner or immediate lessor who represents the interest of the person who built the premises is in all such cases to be entitled to take advantage of all the privileges which this Act confers upon tenants in occupation.

(3.) When the interest of a lessee in a lease or life lease is subject to an incumbrance, then on the purchase by such lessee of such lease, or of the reversion expectant or consequent on the determination of the term, the lease or reversion so purchased shall vest in such incumbrancer in the same manner as if such lease or reversion has been actually conveyed to him by the instrument creating such incumbrance.

(4.) The right to acquire such reversions as aforesaid shall be incapable of being suspended, modified, released, or extinguished.

5. Where the demised premises are comprised in an under lease, the powers hereby conferred on the lessee to acquire the reversions expectant upon the term granted by such under lease, and by any superior or intermediate lease, shall be exercised concurrently.

Power to acquire reversions to be exercised concurrently.

6.—(1.) When a lessee is desirous of acquiring the reversions to the demised premises in pursuance of this Act, he shall serve upon the lessor or lessors, or his or their agent or agents, a notice herein-after described as the prescribed notice, which may be in the Form No. 1 in the schedule to this Act annexed or to the like effect.

Notice by lessee of intention to acquire reversions.

(2.) Within *twenty-one* days after the service of the aforesaid notice, the lessor or lessors shall deliver to the lessee particulars of

[29.]

A 2

A.D. 1900. his or their interest in the demised premises, and the amount of purchase money claimed by him or them for the same. These particulars may be given in the Form No. 2 in the schedule to this Act annexed or other prescribed form.

(3.) Upon receipt of these particulars the lessee shall serve upon 5 the persons, other than the owner in fee, who thereby appear to have a beneficial interest in the demised premises, a notice in the Form No. 3 in the schedule to this Act annexed, and each of such persons shall, within *twenty-one* days from the date of such service, deliver to the lessee notice of his interest in the demised premises, and the 10 amount of purchase money which he claims for the same, which notice may be in the Form No. 2 in the schedule hereto or other prescribed form.

Production of deeds relating to the reversions and of the lease of the demised premises.

7. Within *one* calendar month after the service of the prescribed notice the lessee shall, if requested to do so, deliver to the lessor, and 15 any other person upon whom such notice shall have been served, an abstract of the title to the lease, and shall verify such title by the production of the deeds for examination by the lessor. The lessee may in the like manner, and within the same specified time, require from the lessor, and any other person upon whom such 20 notice shall have been served, an abstract of his title to his reversion, and a verification of his title thereto.

Lessee may purchase reversions by agreement.

8. The lessor may agree with the lessee, and all other persons who are beneficially interested in the demised premises, and any tenant for life or person having the powers of a tenant for life 25 under any settlement comprising or affecting the demised premises, to acquire their interests by purchase, and in the case of any such tenant for life or person having the powers of a tenant for life it shall not be necessary, notwithstanding the provisions of the Settled Land Act, 1884, to obtain the leave or sanction of the High Court 30 of Justice to such agreement, purchase, or sale.

Application to court.

9.—(1.) Where the lessee and other persons interested in the demised premises other than the owner in fee are unable to agree as to the amount of purchase money, or where any doubt or difficulty is alleged to exist as to the title of the lessor or other person, the 35 lessee may make an application to the court. Such application may be made at the option of the applicant to the Land Commission Court, or, if the amount does not exceed *three hundred pounds*, to the county court, but such application shall be subject to all such particulars and offers on the part of the applicants as are required 40 to be contained in any notice or notices set out in the schedule

hereto, and shall be in such form as may be prescribed under any rules made under this Act; and the court shall be empowered to hear and determine all points of difference between the parties and settle the amount to be paid by the lessee for the purchase of the
 5 respective interests of the parties concerned, and shall direct the apportionment and distribution of such purchase moneys respectively among the persons entitled thereto, and may, subject to the provisions of this Act, make such orders as to costs as may be deemed expedient.

A.D. 1900.

10 (2.) The application to the court shall briefly state the points upon which the decision of the court is desired, and it shall also include the following particulars:

(a.) The name and address and description of the lessee;

(b.) A description of the demised premises and where situate;

15 (c.) The nature and extent of the applicant's interest in such premises;

(d.) The names, addresses, and descriptions of the lessor and all persons having or reputed to have a beneficial interest or estate in the aforesaid premises.

20 (3.) In making an application under this section the applicant shall deposit in court a sum equal in amount to *one year's* rent of the demised premises as a security towards any costs and expenses that may be incurred in connexion with his application.

25 10. As soon as conveniently may be after the receipt of the application the court shall fix a day to hear and determine the matters in dispute between the parties other than matters relating to title, and shall give due notice of the same to the applicant, the lessor, and all other persons interested or reputed to be interested in the demised premises.

Court to fix a day for hearing and to send notices to parties.

30 11. Subject to any rules that may be prescribed it shall be lawful for any of the parties to such application to require the points in dispute to be settled by a jury, and in that event a jury shall be empannelled in accordance with the practice usually observed in connexion with actions under the County Court (Ireland) Acts.

Jury may be demanded by any of the parties.

35 12. In determining the amount of purchase money to be paid to the lessor and other persons interested in pursuance of any application under this Act regard shall be had to the following directions:

Assessment of purchase money.

40 (a.) The purchase money shall be the sum which in the opinion of the court is the value of the present interests with the

A.D. 1900.

reversions in questions expectant upon the determination of the lease or leases.

- (b.) There shall be excluded from the computation of such purchase money the value of any improvements made by the lessee after or in pursuance of the granting of the lease, 5 unless the same were expressly made in pursuance of antecedent covenants or agreements entered into by him ;
- (c.) If the applicant or his predecessor in title shall have made improvements, or incurred any outlay for which by law, custom, or contract he is entitled at the date of the hearing to be 10 compensated by the lessor, allowance shall be made for the present value of such improvement or outlay in the assessment of the purchase money ;
- (d.) Where intermediate lessors have only acquired an interest in the leases of the lands originally granted by the owner in 15 fee and not in the buildings, the court shall, in fixing the amount of compensation to which they are entitled, have regard to the occupier who has actually built or who represents the actual builder of the premises which have been placed upon the land and the amount paid by him or his predecessors 20 for the interest which he has acquired in such buildings. In dealing with these cases the court shall have evidence from all parties interested ;
- (e.) Unless the lessor and all other persons interested concur in releasing the lessee from the obligation of observing the 25 restrictive covenants of the leases of the aforesaid premises, the burden of such covenants shall be taken into account in arriving at the amount of purchase money, and the same shall thereupon cease, save such covenants as may be contained in the lease from the owner in fee. 30

Conveyance
where title
cannot be
expeditiously
proved.

13.—(1.) Where it appears that the title of the lessor or other person other than the owner in fee claiming or reputed to be beneficially interested in the demised premises cannot be expeditiously deduced or proved, the court shall, upon being satisfied that the lessor or his predecessor in title, or other person other than 35 the owner in fee claiming to have a superior interest in the said premises has been in the actual receipt of the rent reserved by the lease for the *twelve years* immediately preceding the application to the court, be empowered to make an order conveying the demised premises to the lessee subject to the payment of the purchase money 40 into court.

(2.) The court shall subsequently proceed to ascertain the respective rights of the several persons claiming to be entitled to

the purchase money, and may make such order for its distribution among them in respect to their respective interests as may be deemed just. A.D. 1900.

- 14.—(1.) On a purchase by a lessee of a lease under this Act— Observance
of restric-
tive
covenants.
- 5 (a.) All covenants, agreements, and provisions contained in such lease, or in any superior or intermediate lease except a lease granted direct by the owner in fee binding, the lessee under such lease to do or omit to do any of the following acts, or any covenants, provisions, or agreements to the like purport
- 10 or effect, shall be void as from the completion of such purchase, namely :—
- (i.) Not to assign, demise, or part with the possession of the demised premises without the consent of the lessor ;
- (ii.) To furnish to the lessor or his solicitors copies of all
- 15 deeds of assignment or under-lease ;
- (iii.) To pay any fee on the registration of any assignment or under-lease ;
- (iv.) Not to make any structural alteration or addition to the
- 20 property without the consent, whether in writing or not, of the lessor.
- (b.) But all covenants, agreements, and provisions binding the lessee to do or omit to do any of the following acts, or any covenants, agreements, or provisions to the like purport and effect, shall, during the continuance of the term created by the
- 25 lease in which such covenants are contained, remain in full force and enforceable by action or injunction against the lessee or his successors in title by the person who but for the purchase by the lessee under this Act would for the time being be entitled to enforce such covenants and by the local authority :—
- 30 (i.) To make or construct any buildings or roads or to contribute towards the cost of construction or maintenance of roads, party walls, sewers, drains, wells, and any other conveniences used in common with the adjoining owners, occupiers, or lessees :
- 35 (ii.) To repair and keep the premises in repair :
- (iii.) To ensure from damage by fire whether in any particular office or offices or not, and to reinstate the premises in case of damage by fire :
- (iv.) To pay rates, taxes, tithe, or other outgoings :
- 40 (v.) To exercise or not to exercise on the demised premises any particular trade or business, or to deal with any

A.D. 1900.

particular person or company, or to use the property only in a particular manner, or against committing or permitting nuisances :

(vi.) To do any act which may or will be beneficial to the demised premises, or to any other property of the lessor or his superior landlord, or tenant, or to abstain from doing any act which may or will be prejudicial to the demised premises :

(vii.) Any other restrictive covenants, agreements, or provisions.

10

Payment of purchase money into court and issue of certificate of purchase.

15. The lessee shall within *one* month from the date of the order fixing the amount of the purchase money, or within such further time as the court may direct, pay the same into court in the prescribed manner, and upon such payment he shall be entitled to a certificate of purchase specifying in the prescribed form the proceedings and determination of the court, and the names and interests of the lessor and other persons to whom the prescribed notice was given, and the restrictive covenants (if any) to which the demised premises remain subject ; and such certificate shall operate as a conveyance from the day of its date to the applicant of all the interest in such premises that was vested in such lessor or other persons at the date of the application or of the ascertainment of the purchase money.

20

Distribution of purchase money.

16.—(1.) On receipt of the said sum the court shall give *one* month's notice to the lessor and other persons interested of the intention to distribute the said sum among the persons severally entitled thereto ; and on the expiration of such notice, and on being satisfied by affidavits of the said lessor and other persons that they still remain entitled to the same, the court shall order the purchase money to be paid over to them according to their respective rights.

30

(2.) The court shall make such order as in its discretion may be deemed just and expedient in regard to the payment over of such sum as aforesaid, or in regard to the retention by the court of such sum or any part thereof pending any further inquiries as to the right of any person to receive the same.

35

(3.) On the purchase by a lessee of any lease, and which is an estate or interest within the meaning of the Settled Estates Act, 1877, as being subject to a settlement or being settled estate within the meaning of the said Act, or is settled land, or is subject to or comprised in any settlement, the purchase money for such lease shall be paid to the persons who under the said Acts are thereby authorised to receive and give receipts for capital moneys

40

arising from a sale under the said Acts or either of them, and shall be dealt with and be subject to the same provisions in all respects as if the purchase under this Act were a sale effected by a tenant for life or person having the powers of a tenant for life under the
5 Settled Land Act, 1882.

A.D. 1900.

Provided always, that it shall not be necessary as against the lessee to obtain the consent of any court to the carrying out of any sale to a lessee of any such lease as aforesaid under the provisions of this Act.

10 After payment by the lessee of the purchase money as before provided, the lessee shall not be made a party to any application to the court under the Settled Estates Act, 1877, the Settled Land Act, 1882, and the Settled Land Act, 1884, or any of them, and shall not be liable to any costs, charges, or expenses in or about
15 any application thereunder.

17. In the event of the disability by infancy, coverture, insanity, or otherwise of any person who but for such disability would have been entitled to the benefit of this Act, or to be treated as a lessor or person beneficially interested under this Act, the powers and
20 duties of such person shall devolve upon his trustee, committee, guardian, or person who is entitled to receive the rent or profits of his estate on his behalf.

Provision for cases of disability.

18. Nothing in this Act contained shall authorise any trustee or legal representative to make an application under this Act unless
25 he be authorised thereto by the consent of all necessary persons or by the nature of his trust, or be permitted by an order of a judge of the High Court of Justice, who shall have power on petition to grant such permission if he shall see fit to do so, and with such sanction any moneys, stock, funds, or securities subject to the
30 trust may be applied in the purchase of the reversions of any demised premises in pursuance of this Act, and the premises so acquired shall be conveyed to the trustees as the court shall in its discretion direct.

Trustees may purchase under certain conditions.

19. Where any of the parties make default in complying with
35 any of the obligations imposed on them by this Act, or where any error, omission, or irregularity takes place in any proceedings under this Act owing to inadvertence, it shall be lawful for the court to grant any relief that it may deem just, either by extension of time or rectification of any previous order or otherwise howsoever, upon
40 such terms and conditions as may be deemed expedient.

Provision in case of irregularities.

20.—(1.) The costs of the lessee in connexion with the application to the court and any other proceedings under this Act up to the

Costs to be paid by lessee.

[29.]

B

A.D. 1900. — payment of the purchase money shall, subject as herein-after provided, be borne and paid by the lessee, and the court shall make such order as may be required for the payment of the said costs out of the deposit in court, and for the repayment to the lessee of the balance of such deposit (if any), but if any costs remain unpaid they 5 shall be an equitable charge upon the lessee's interest in the demised premises, and the balance so remaining shall be paid in such manner as the court may direct.

(2.) In taxing costs under this Act only one set of costs shall be allowed as payable by the lessee, except in cases where the court 10 shall otherwise decide.

Costs in case of default of lessee or of unfounded claim.

21. Where the lessee has wilfully or negligently delayed or made default in proceeding with his application, or where any party to the application under this Act has in the opinion of the court made an unfounded claim or contention, the court may, in its discretion, 15 make an order requiring such person to pay the whole or any portion of the costs which may have been incurred by reason of such default or unfounded claim.

Limitation in certain cases of right to apply to court.

22. If the application of any lessee be dismissed, or his right to the benefit of this Act be determined against him, or he decide and 20 be permitted no further to proceed by reason of his being dissatisfied with the title of the lessor or other persons claiming to be interested in the demised premises, he and all persons claiming by, through, or under him by virtue of any assignment, sub-demise, or other transfer of interest subsequent to the date of his said application, 25 shall be barred from taking further proceedings under this Act for the space of five years without special leave from the court. And in no case shall he or they take any further proceeding without first paying all such costs as may be ordered by the court in respect of the said application. 30

Life lease-holds within provisions of Act.

23. The powers herein contained shall be applicable to life leases as defined by this Act, and any person entitled to any such lease shall be and is hereby empowered to acquire all the reversions other than that of the owner in fee in the demised premises by purchase in the manner and under the limitations and conditions in 35 this Act provided, and the forms in the schedule hereto may be varied so far as necessary and adapted thereto.

PART II.

A.D. 1900.

GENERAL PROVISIONS.

24. The county court shall have no jurisdiction to entertain an application where the amount claimed by a lessor exceeds *three* Limit of county court jurisdiction.
5 *hundred pounds.*

25. No persons shall be entitled to make application to the court under this Act unless he is in actual occupation of the premises, and unless the unexpired terms of the intermediate interests between himself and the owner in fee shall in all not Occupiers only to have right to apply to court.
10 exceed a period of *fifteen years.*

26. All orders of the Land Commission Court shall be subject Appeals. to appeal on matters of law in the same manner as appeals are now made from the decisions of the Lands Commissioners, and all orders of the county court shall be subject to appeal in accordance
15 with the procedure in that court. All orders relating to costs and all decisions of the court on matters of fact, or in the exercise of its discretion, shall in like manner be subject to appeal by leave either of the judge or of the court before which the appeal is to be heard.

20 (1.) In case of appeals all costs thereof shall be in the discretion of the court to which appeal is made.

27. Rules for the purposes of this Act may be made and altered Rules. from time to time by the like persons and in the like manner in which rules may be made under and for the purposes of the
25 Land Commission Courts Acts in Ireland and the County Court Act in Ireland.

28. Any deeds, notices, or other documents in the form contained in the First Schedule to this Act annexed, or to the like purport and effect as may be prescribed, shall, as regards form and expression
30 in relation to the provisions of this Act, be deemed sufficient for all purposes. Forms in schedule.

29. Notices, orders, and other documents under this Act may be in writing or print, or partly in writing and partly in print, and when issued by the court shall be deemed sufficiently authenticated
35 if they bear the official seal of the court. Notices may be printed or written.

[29.]

B 2

A.D. 1900.

Service of
notices.

30. Any notice, order, or document required or authorised by this Act to be served on any person may be served—

(a.) By delivering the same to such person ; or

(b.) By leaving the same at the usual or last known place of abode of such person ; or 5

(c.) By forwarding the same by post in a prepaid letter addressed to such person at his usual or last known place of abode.

If the notice is served by post it shall be deemed to have been served at the time when the letter containing the notice would be delivered in the ordinary course of post, and in proving such service 10 it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

SCHEDULE.

A.D. 1900.

FORMS.

FORM No. 1.

Notice of desire by a Lessee or Lessor to exercise the Powers of this Act.

- 5 In pursuance of the provisions of the Town Tenants (Ireland) Act, 1900,
 I of , as lessee of the property hereafter
 mentioned of a lease dated the day of granted
 by [insert lessor's names and description from lease] [for a term of
 years and of another year from the day of]
 10 or [for the life or lives of A.B. of , C.D. of , E.F. of]
 do hereby give you notice that I intend to exercise the powers of the said Act,
 and to purchase the reversion expectant or consequent on the determination
 of the said term and the reversions of any superior or intermediate lease, and
 the short particulars of which are stated below. And that I am willing to
 15 submit myself to the provisions of the said Act, and to purchase pursuant
 to the said Act the said property, and I require from you in writing addressed
 to me at
 the following particulars:—(1) in the event of your holding
 the premises under a lease or leases—(a) The date of such lease or leases,
 20 (a 1) The term or terms for which the premises are held. (b) The names
 and addresses of the lessors so far as you can supply the same, and of the
 agents of the lessors if known to you. (c) The names and addresses of the
 agents or persons to whom you made the last payment of rent in respect of
 the property comprised in such lease or leases. (d) The amount of rent
 25 reserved by the lease or leases for the remainder of the term of the lease or
 leases. (e) And if the same relates to any other property than that
 comprised in the lease in respect of which I give this notice, the short
 particulars and description of such other property in case you require the
 said other property to be purchased. And I require you to state in writing
 30 the amount you claim as purchase-money for the interests and property
 comprised in the notice in writing so to be given by you.
 Dated this day of 19 .

The Short Particulars of the Property above referred to.

- [Here describe the premises according to the usual or postal address]
 35 and add the words:
 And which description is intended to describe the property comprised in
 the lease dated made between for a
 term of years from the day of at
 the rent of £ in respect of which this notice is given.

A.D. 1900.

FORM No. 2.

Particulars of Lessor's or Freeholder's Interest and Price for Sale.

I, the undersigned _____ of _____ or the under-
signed duly authorised agent for this purpose of _____ of _____
in reply to your desire to exercise the powers of the Town 5
Tenants (Ireland) Act, 1900, dated _____ day of _____ 19
hereby inform you that the premises mentioned in your said notice, and in
respect of which you are now paying the rent of £ _____ were granted or
demised by indenture of lease (or leases) bearing date (respectively) the
day of _____ (and the) _____ (day of) _____ and made 10
between _____ for a term of _____ years from the
day of _____ and that the same are held by me under an indenture of
lease (or leases) bearing date (respectively) the _____ day of _____
and made between _____ and _____ for a term of _____
years from the _____ day of _____ at a rent or 15
rents of £ _____ per annum payable _____ (free from all
deductions whatsoever except income tax); and I claim as purchase-money for
the reversion expectant upon the termination of the term of years now held by
you the sum of £ _____, and as purchase-money for the £ _____ per
annum payable to me as aforesaid under the lease (or leases) before-mentioned 20
the sum of £ _____ as purchase-money.
Dated this _____ day _____ 19 _____
Yours, &c.

If held by the
lessor under a
lease state the
following
particulars.

State if any
charges or
taxes are
payable out of
the rent by the
lessor.

FORM No. 3.

*Notice by Lessee as defined by the Act of desire to exercise the Powers 25
of the Act, or as near thereto as possible.*

Having been informed by _____ of _____ that
the under-mentioned premises are comprised in a lease (or leases) dated
the _____ and made between _____ for a term
of _____ years and _____ of another year from the _____ 30
day of _____ at the yearly rent or rents of £ _____ payable
[quarterly] (free from all rates and taxes except property tax), and that you
are entitled as lessor to the rents and profits of such premises, I hereby inform
you that on the _____ day of _____ in pursuance
of the powers of the Town Tenants (Ireland) Act, 1900, I sent a notice in 35
writing (a copy of which purports to be enclosed herewith) to the lessor
under whom I hold the under-mentioned premises, and I offer and hereby
submit to the provisions of the above-mentioned Act, and pursuant to the
provisions thereof I require you within one calendar month from the date
hereof to deliver to me in writing at _____ a notice in writing stating 40
the following particulars.

Recite the
facts from
notice given
in Form No. 2.

[The particulars are to be similar or to the effect of the particulars (1)
and (2) above set forth.]

FORM No. 4.

A.D. 1900.

I, (A.B.), of _____ in consideration of the sum of £ _____ paid to me by (C.D.) pursuant to the Town Tenants (Ireland) Act, 1900, as beneficial owner, hereby convey to the said (C.D.) all 5 [insert description of premises], to hold the same unto and to the use of the said (C.D.) in fee simple, according to the true intent and meaning of the said Act.

(Add, if required, as follows :—) And I hereby acknowledge the right of the purchaser to production of the documents of title mentioned in the 10 schedule hereto, and to delivery of copies thereof, and hereby undertake the safe custody thereof.

In witness whereof I have hereunto set my hand and seal this day of _____ 19 .

(A.B.) (L.S.)

15 Schedule of ascertained covenants or agreements to which the premises intended to be conveyed are subject.

FORM No. 5.

Form of Conveyance on Chief Rent.

I, (A.B.), of _____ in consideration of the rentcharge 20 to be paid as herein-after mentioned (and of £ _____) by (C.D.) pursuant to the Town Tenants (Ireland) Act, 1900, as beneficial owner hereby convey to the said (C.D.) all [insert description of premises], to hold the same unto and to the use of the said _____ in fee simple, according to the true intent and meaning of the said Act. The said (C.D.) 25 yielding and paying unto me a clear yearly rent of £ _____ by equal half-yearly portions henceforth, on the 24th of June and the 25th of December in each and every year, clear of all taxes and deductions (except income or property tax).* The first full payment to be made on the day of _____ next, and a proportionate part, amounting to £ _____, on 30 the _____ day _____ next.

(Add, if required, acknowledgment of right to production of documents as in Form of Conveyance above.)

In witness whereof I have hereunto set my hand and seal this day of _____ 19 .

(A.B.) (L.S.)

35 Schedule of ascertained covenants or agreements to which the premises intended to be conveyed are subject.

N.B.—The above conveyance should be executed in duplicate.

* Where the demised premises are conveyed subject to a terminable rentcharge, add words stating the period during which such rentcharge is payable.

Tenants in Towns Improvement (Ireland).

A

BILL

For improving the condition of Tenants
in Towns in Ireland.

(Prepared and brought in by
*Mr. MacAleese, Mr. T. D. Sullivan, Mr. Jordan,
Mr. Patrick O'Brien, Mr. Hammond,
Mr. Maurice Healy, Dr. Connors,
and Mr. Field.*)

*Ordered, by The House of Commons, to be Printed,
2 February 1900.*

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90, West Nile Street, Glasgow; or
HODGES, Figgis, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price 24d.*]

[Bill 29.]

A

B I L L

FOR

The abolition of Tied Houses.

A.D. 1900.

WHEREAS the practice of tying licensed houses is injurious to the public, and it is expedient that it should be abolished :

Be it therefore enacted by the Queen's most Excellent Majesty,
 5 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. From and after the *passing of this Act* any covenant or agreement binding the holder of a licence for the sale of ale, beer,
 10 or spirituous liquors for consumption on the premises, to purchase such ale, beer, or spirituous liquors, or any part thereof, from any specified person or persons only shall be deemed to be an unreasonable covenant in restraint of trade, and shall be void. Prohibitory agreements to be void.
 15 Provided always, that this section shall not apply to any licence granted before the *passing of this Act* unless and until application shall be made for a renewal thereof.

2. Upon any application for the grant or renewal of a licence for the sale of ale, beer, or spirituous liquors, to be consumed on the premises, the licensing authorities shall require the applicant to
 20 satisfy them that he is not under any such covenant or agreement as aforesaid; and in the case of an application for the renewal of a licence that has been granted or renewed subsequently to the *passing of this Act*, that he has not been under any such covenant since the granting or last renewal of the licence, as the case may be,
 25 and unless the said licensing authority is so satisfied, it shall not grant or renew such licence. Assurances to be given on renewal of licence.

3. This Act may be cited as the Tied Houses Abolition Act, 1900. Short title.

[Bill 321.]

Tied Houses.

A

B I L L

For the abolition of Tied Houses.

(*Prepared and brought in by*
Mr. Broadhurst, Sir John Brunner,
Mr. Thomas Bagley, Mr. Herbert Lewis,
and Mr. Hazell.)

Ordered, by The House of Commons, to be Printed,
3 August 1900.

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90, West Nile Street, Glasgow; or
HODGES, FREGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price 1d.*]

[Bill 321.]

A

B I L L

TO

Amend the Law relating to Tithe Rentcharge in Ireland. A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 5 1.—(1.) Where by virtue of an order under section thirty-two of the Irish Church Act, 1869, or section seven of the Irish Church Act, 1869, Amendment Act, 1872, any land is charged for fifty-two years with an annual sum calculated at the rate of four pounds nine shillings per cent. on the purchase money of any tithe rentcharge, and charge of annual sums for paying the purchase money.
- 10 such annual sum shall continue to be paid until forty-five payments thereof from the date at which it commenced have been made and no longer.
- (2.) Where by virtue of any like order any land is charged for a less number of years, at an equivalent annual sum so as to discharge
- 15 the principal and interest of any such purchase money in a less number of years, such annual sum shall continue to be paid until such less number of payments thereof from the date at which it commenced, as will pay off the purchase money on the assumption that the annual sum so charged included interest at the rate of *three*
- 20 *pounds ten shillings* per cent. per annum, have been made and no longer.

- 2.—(1.) As soon as possible after the *passing of this Act* the Land Commission shall ascertain, from the appendices to their reports as presented to Parliament in pursuance of section
- 25 fifty-five of the Land Law (Ireland) Act, 1881, by what amount in each county during the period commencing with and including the year covered by the annual report dated the twentieth day of September one thousand eight hundred and eighty-six, and ending with that presented last before the passing of this Act, the

[Bill 97.]

A

A.D. 1900. rents of holdings in respect of which judicial rents have been fixed for a first statutory term, whether by order or by agreement, have, for the entire of such period, been varied by the fixing of such judicial rents, and shall certify the average percentage which such variation represents. 5

(2.) The Land Commission shall similarly ascertain and certify for each county in respect of every subsequent period of *fifteen years* the average percentage of variation of judicial rents payable during a second or subsequent statutory term as compared with the judicial rents payable during the last preceding statutory term. 10

(3.) The Land Commission shall publish their certificates under this section in such manner for giving information to all persons interested, as they think most convenient.

(4.) A copy of every certificate of the Land Commission under this section shall be published in the "Dublin Gazette." 15

(5.) The production of a printed copy of the "Dublin Gazette," purporting to be published by the Queen's authority, and containing the publication of any certificate of the Land Commission under this section, or of a sealed copy issued by the Land Commission of any such certificate, shall be evidence of the contents of such 20 certificate, and of the date thereof, and that it has been duly made.

(6.) The Land Commission shall keep a record in their office of all certificates made by them under this section.

Variation
of tithe
rentcharges.

3.—(1.) During the period of *fifteen years*, dating from the *first* 25 *day of November* next after the passing of this Act, the sum payable in respect of every gale accruing due after that date of any tithe rentcharge payable out of hereditaments situate in any county shall be deemed to be varied, from the amount at which it stood on the twenty-second day of August one thousand eight hundred 30 and eighty-four, in accordance with the average percentage of variation of rents declared by the certificate of the Land Commission to have taken place with respect to such county by the fixing of judicial rents for a first statutory term, and shall be payable accordingly. 35

(2.) During each subsequent period of *fifteen years* the like variation shall be deemed to be made in all tithe rentcharges from the amount at which they respectively stood immediately before the commencement of such period, in accordance with the average percentage of the variation of judicial rents certified by the Land 40 Commission for the period of *fifteen years* terminating last before

the commencement of each such first-mentioned period respectively and all tithe rentcharges shall be payable accordingly. A.D. 1900.

(3.) After the *passing of this Act* no variation shall be made in any tithe rentcharge, save in accordance with the provisions of this
5 Act.

4. So much of section seven of the Irish Church Act, 1869, Amendment Act, 1872, as provides for the sale of tithe rentcharges shall be repealed. Repeal of
35 & 36 Vict.
c. 90. s. 7,
as to sale of
tithe
rentcharges.

10 5. Any payments of tithe rentcharge made before the *passing of this Act* in pursuance of any order of a court of quarter sessions shall be deemed valid and sufficient, notwithstanding any non-compliance with the provisions of any Act with reference to the variation of tithe rentcharges. Validation of
previous
payments.

15 6. The amount of tithe rentcharge payable by any person as from the *first day of November one thousand eight hundred and ninety-eight* shall be deemed to have been and shall hereafter be reduced in respect of every pound in value thereof:— Provision
with respect
to deduction
of poor rate.
61 & 62 Vict.
c. 37.

20 (a.) if the tithe rentcharge is payable out of hereditaments situate within a rural district, by one-half of the standard rate of poor rate certified under section forty-nine of the Local Government (Ireland) Act, 1898, as having been levied off those hereditaments; and

25 (b.) if the tithe rentcharge is payable out of hereditaments situate within an urban district, by the whole of such standard rate so certified as having been levied off those hereditaments:

30 Provided that from the first half-yearly payment so reduced which accrues due next after the *passing of this Act*, there may be deducted one-half of such standard rate, if the tithe rentcharge is payable out of hereditaments situate within a rural district, and the whole of such standard rate if the tithe rentcharge is payable out of hereditaments situate within an urban district.

35 Provided also that if the total amount paid in respect of any tithe rentcharge accruing due after the *first day of November one thousand eight hundred and ninety-eight*, and before the day next after the *passing of this Act*, exceeds the amount which would have been payable if this Act had come into operation before the said first day of November, the difference may be deducted from such first half-yearly payment as aforesaid, and if such total amount is less than would have been so payable, the difference shall be paid
40 together with such half-yearly payment.

A.D. 1900.

Liability of
owner to
pay propor-
tion of
tithe rent-
charge.

7.—(1.) Where the hereditaments out of which any tithe rentcharge is payable are separately owned by several persons liable to pay the tithe rentcharge, any of such owners shall be liable only to pay such proportion of the whole tithe rentcharge as the rateable value of the hereditaments separately owned by him or them bears 5 to the rateable value of the whole of the hereditaments out of which such tithe rentcharge is payable.

(2.) The proportionate part of a tithe rentcharge payable by any person in pursuance of the foregoing enactment, shall be recoverable from that person by the same remedies and in the 10 same manner as if he was solely liable for the whole tithe rentcharge.

Definitions.

8. In this Act, unless the context otherwise requires—

The expression “the Land Commission” means the Irish Land Commission; and

15

The expression “tithe rentcharge” means a rentcharge in lieu of tithes, whether payable to the Land Commission or to any lay impropriator or other person.

Short title
and extent
of Act.

9. This Act may be cited as the Tithe Rentcharge (Ireland) Act, 1900, and shall extend to Ireland only.

20

Repeal.

10. The Acts specified in the schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

SCHEDULE.

A.D. 1900.

ACTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
5 1 & 2 Vict. c. 56. - -	The Poor Relief (Ireland) Act, 1838.	Section seventy-six.
1 & 2 Vict. c. 109. -	The Tithe Rentcharge (Ireland) Act, 1838.	Section thirty-two.
10 5 & 36 Vict. c. 90. -	The Irish Church Act, 1869, Amendment Act, 1872.	Sub-section (3) of section six. Section seven, from the beginning of the section to "same lands," and the words "this and."

Tithe Rentcharge (Ireland).

A

B I L L

To amend the Law relating to Tithe
Rentcharge in Ireland.

*(Prepared and brought in by
Mr. Attorney-General for Ireland and
Mr. Gerald Balfour.)*

*Ordered, by The House of Commons, to be Printed,
22 February 1900.*

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[*Price 1d.*]

[Bill 97.]

LORDS AMENDMENTS

TO THE

TITHE RENTCHARGE (IRELAND) BILL.

The page and line refer to Bill 190 as first printed by the Lords.

[NOTE.—*The words enclosed in brackets and underlined are proposed to be inserted by the Commons.*]

Page 3.

Line 8, leave out (“ be repealed ”) and insert (“ not have effect
“ in the case of any tithe rentcharge to which the last
“ preceding section applies ”)

Line 10, after (“ order ”) insert (“ subsisting at the time of
“ such payments ”)

Line 28, after (“ deducted ”) insert (“ in respect of every
“ pound thereof ”)

After line 40 insert :

(2.) Where the hereditaments out of which the tithe rentcharge is payable are situate partly in an urban and partly in a rural district any question which may arise as to the portions of the tithe rentcharge which are to be deemed for the purposes of this section to be payable in respect of the parts of the hereditaments situate in the rural and urban districts respectively shall be referred to the Land Commission, whose decision shall be final.

(3.) Section one of the Tithe Rentcharge (Ireland) Act, 1848, 11 & 12 Vict. c. 80. (which provides for deduction from rent paid in respect of tithe rentcharge) shall apply, with the necessary modifications, where tithe rentcharge is reduced by virtue of this section, [and, in the application of the said section one to tithe rentcharge payable out of hereditaments situate within a rural district, “ one quarter ” shall be substituted for “ one-half.”]

[Bill 31.6.]

Page 4.

Line 14, leave out from ("land") to ("has") in line 16 and insert ("where the estate or interest therein of the person liable to pay such annual sum")

Line 20, leave out ("sections three and four") and insert ("section three")

Line 22, leave out ("the fee simple of which") and insert ("where the estate or interest therein of the person liable to pay such tithe rentcharge")

Line 25, after ("sale") insert ("(3.) Where the estate or interest conveyed was less than the fee-simple, this section shall not apply after the determination of such less estate or interest")

Line 28, after ("be") insert ("furnished to that commission and be")

Line 29, leave out ("this section shall not extend to"), and insert ("the expression 'sale' in this section does not include")

Line 30, after ("arrangement") insert ("or a sale in any court to the owner of the land sold")

After Clause 8, insert Clause A.

Exclusion of
59 & 60 Vict.
c. 47, s. 37
(1), in cer-
tain cases.

A. Subsection (1) of section thirty-seven of the Land Law (Ireland) Act, 1896 (which dispenses with the consent of the Treasury to the redemption of tithe rentcharge as therein mentioned) shall not have effect in the case of any tithe rentcharge to which section three of this Act applies.

LORDS AMENDMENTS
TO THE
TITHE RENTCHARGE
(IRELAND) BILL.

*Ordered, by The House of Commons, to be Printed,
30 July 1900.*

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90, West Nile Street, Glasgow; or
ROBERTS, FRIGGS, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price 3d.*]

[Bill 816.]

Town Councils (Scotland) Bill.

MEMORANDUM.

1. The election of town councillors of burghs in Scotland is regulated by a series of statutes, commencing in 1833, which stand greatly in need of consolidation.

2. Various cases which arise in the course of the retirement and re-election of councillors are not provided for by these Acts, and there are various points in which amendment is desirable.

3. By the Burgh Police (Scotland) Act, 1892, the functions of police commissioners were vested in the town council, and all separate jurisdictions possessed by police commissioners or other bodies were abolished, and by that and previous Acts the mode of election of the commissioners of police burghs was assimilated to that of the town council in Royal burghs. While this is so—

- (1) In Royal burghs certain distinctions still exist between the mode of dealing with matters under the ordinary jurisdiction of the town council and those under their jurisdiction as commissioners ;
- (2) As between Royal and parliamentary burghs and police burghs there still exist certain differences in the election arrangements, as, for example, in the mode of making up the municipal roll of electors ;
- (3) While the Burgh Police Act lays down certain rules for the conduct of the business of commissioners, there are no statutory rules for the conduct of the general business of town councils, and there is inconvenience in having a part of the business of the town council carried on under specific rules, and another part either unregulated or carried on under different rules.

The objects of the present Bill are—

1. To consolidate, and in various matters of detail to amend, the existing law relating to the election of town councils and commissioners of police.
2. To apply to Royal and parliamentary burghs the provisions for altering the number and boundaries of wards made with reference to police burghs in the Burgh Police Act.

[Bill 36.]

a

3. To provide that, with certain additions, the parliamentary register shall be sufficient for municipal purposes, and thus obviate the necessity of making up a separate municipal register.
4. To assimilate the municipal and police boundaries of all burghs.
5. To assimilate the law in regard to the minutes and proceedings of town councils and of police commissioners, by making applicable to town councils, with slight alteration, the provisions contained in the Burgh Police Act.
6. To assimilate the law applicable to Royal burghs and police burghs in regard to the appointment of officers.
7. To abolish the present system under which, in Royal burghs, the accounts of the town council relating to matters falling under the Police Act and those relating to other matters have to be made up and audited at different times and in different ways, and to provide for the whole accounts being dealt with at the same time and in the same manner.
8. To provide that the governing body of police burghs shall in future be designated the town council, and the individual commissioners, councillors, and that their officials shall have the same names as in Royal and parliamentary burghs.

The Bill has been framed to meet the general case of a burgh subject only to the public Acts, but there may be cases where, by special Act, the provisions of the public Acts have been modified, and which may require to be dealt with by special clauses. It may also be necessary to make special provision for the case of the larger cities and burghs, to which some of the clauses as framed may be unsuitable.

Town Councils (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title and extent.
2. Commencement of Act.
3. Repeal of Acts.
4. Definitions.

Constitution and Government of Burghs.

5. Corporate name and common seal.
6. Designation of Lord Provost.
7. Town council to administer affairs of burgh.
8. Powers, &c. of local authorities to be vested in town council.
9. Police commissioners to form town council.
10. Service of writs, execution of deeds, and form of title to lands.

Number and Qualification of Councillors.

11. Number of magistrates and councillors.
12. Alteration of number.
13. Persons eligible as councillors.
14. Disqualifications of councillors.
15. Election of disqualified person.
16. Councillors not to hold offices of profit.
17. Councillors not to be liable for debts of burgh.

Division into Wards and Polling Districts.

18. Number of councillors in each ward.
19. Existing number of wards and councillors to remain until altered.
20. Division or re-division into wards.
21. Ward boundaries to have effect for parliamentary purposes.
22. First division of burgh into wards.

[Bill 36.]

a 2

Clause.

23. Unification of burgh boundaries.
24. Unification of municipal and parliamentary boundaries.
25. Sasine Registers not to be affected.
26. Polling districts.

Constituency.

27. Qualification of electors.

Municipal Register.

28. Register in burghs returning members to Parliament.
29. Register in burghs where parliamentary boundary extends beyond municipal boundary.
30. Register in burghs not returning members to Parliament.
31. Supplementary list.
32. Disqualification from failure to pay burgh rates.
33. Procedure in Registration Acts to apply to excerpt, &c.
34. Register in burghs within parliamentary boundaries of another burgh.
35. Assessors to observe provisions of Local Government (Scotland) Act, 1894.
36. Register to be evidence, and term in force.

Retirement of Councillors and filling up of Vacancies.

37. Present council to continue in office.
38. One third of council to retire yearly.
39. Councillors longest in office to retire.
40. Casual vacancies.
41. Term of office of interim councillor.
42. Councillors may resign office.
43. When vacancy not to be filled up ad interim.
44. Leave of absence to councillor.

Procedure at Elections.

45. Mode of election and voting.
46. Notice of vacancies, and dates of nomination and election.
47. Nomination of candidates.
48. Signatures to nomination paper.
49. Withdrawal of nomination.

Clause.

50. Notice of candidates nominated.
51. Nomination of disqualified person.
52. Number of candidates not exceeding vacancies.
53. Poll in contested elections.
54. Returning officer.
55. Town clerk to be returning officer in certain cases.
56. Declaration of election.
57. Notice to councillors of their election.
58. Oath or declaration unnecessary.
59. Returning officer to have casting vote.
60. Use of school rooms.
61. Elections of other bodies.

Election of Magistrates, &c.

62. Election of provost and bailies.
63. Bailie to hold office till expiry of term as a councillor.
64. Meeting for electing magistrates.
65. Failing to hold meeting on statutory day.
66. First meeting in new burghs.
67. Acting chief magistrate in absence of provost.
68. Resignation of magistrate.
69. Casual vacancies among magistrates.
70. Irregularity or nullity not to effect election of other councillors or magistrates.
71. Election where burgh has no legal council.
72. Election of commissioners or trustees in certain cases.
73. Expense of making up municipal register, &c.

Minutes and Proceedings of Council.

74. Meetings of council.
75. Special meetings.
76. Special urgency.
77. Quorum.
78. Adjournment.
79. Chairman of meetings.
80. Committees.
81. Omission to send notice not to invalidate proceedings.

Clause.

- 82. Minute books.
- 83. Councillors to have right of inspecting minute books, &c.
- 84. Standing orders.

Officers of Council.

- 85. Appointment of town clerk.
- 86. Remuneration for additional duties.
- 87. Town clerk depute.
- 88. Town clerk not to practice in police court.
- 89. Rights of present officers reserved.
- 90. Existing clerks or police, &c. may be retained.
- 91. Treasurer and collector.
- 92. Treasurer or collector to lodge money in bank.
- 93. Clerk and treasurer not to be same person.
- 94. Town clerk may be treasurer in burghs of 5,000.
- 95. Defalcations of treasurer or collector how to be chargeable.
- 96. Other officers.
- 97. Honorary treasurer.

Accounts and Corporate Property.

- 98. Books of account.
- 99. Yearly account to be made out.
- 100. Account to exhibit a complete state of affairs.
- 101. Account to be laid before meeting of council.
- 102. Appointment of auditor.
- 103. Accounts, &c. to be delivered to auditor.
- 104. Accounts of charity under management of town council.
- 105. All alienations of heritable property to be by public roup.
- 106. No debt to be contracted unless by resolution of council or committee.

Miscellaneous.

- 107. Election of trustees under certain Acts, charters, &c.
- 108. Right of election of deacon convener, &c. reserved.
- 109. Dean of guild and deacon convener, &c. of certain burghs to be members of council, &c.
- 110. Councils of Anstruther Wester, Earlsferry, Lauder, and North Berwick.

Clause.

- 111. Trusts vested in deacons, &c.
- 112. Admission of burgesses by minute of council.
- 113. Qualification of burgesses.
- 114. Saving of existing laws and usages as to admission of burgesses.
- 115. Rate in lieu of petty customs.
- 116. Repeal of local Acts, and saving in certain cases.
- 117. Application to court in cases of difficulty.
- 118. Applications to the sheriff.
- 119. Misnomers, &c. not to affect validity of proceedings.

SCHEDULES.

the first of these is the fact that the
the second is the fact that the
the third is the fact that the
the fourth is the fact that the
the fifth is the fact that the
the sixth is the fact that the
the seventh is the fact that the
the eighth is the fact that the
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A
B I L L

TO

Consolidate and amend the Law relating to the Election A.D. 1900.
and Proceedings of Town Councils in Scotland.

WHEREAS it is expedient to consolidate and amend the law relating to the election and proceedings of town councils in Scotland :

Be it therefore enacted by the Queen's most Excellent Majesty,
5 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Municipal (Scotland) Act, 1900, Short title
and extent. and shall apply to Scotland only.

10 2. This Act shall commence and have effect from and after the *thirty-first day of December in the year one thousand nine hundred.* Commence-
ment of Act.

3. The enactments specified in the First Schedule are hereby repealed, provided that this repeal shall not be held to revive any Repeal of
Acts.
15 office, distinction between offices, or oath, abolished by any of the enactments hereby repealed, or any laws, statutes, or usages repealed thereby, or to alter the number of magistrates or councillors of any burgh or number or boundaries of wards therein, as existing immediately prior to the passing of this Act, except in so far as
20 such numbers and boundaries may be altered in terms of the other provisions of this Act.

4. The following words and expressions in this Act shall have the meanings assigned to them, unless there be something in the subject or context repugnant to such construction; that is to
25 say:—

- (1.) "Acting chief magistrate" shall mean any bailie acting under section sixty-seven.
- (2.) "Assessor" shall mean the assessor acting under the Registration Acts.
- 30 (3.) "Burgh" shall include royal burgh, parliamentary burgh, burgh incorporated by Act of Parliament, burgh of regality,

[Bill 36.]

A

A.D. 1900.

burgh of barony, and police burgh, whether existing at the commencement of this Act or hereafter constituted.

(4.) "Burgh rate" shall mean any rate or assessment imposed by the town council, but shall not include private improvement expenses. 5

(5.) "Common seal" shall mean and include the common seal of a burgh, and also the common seal of the commissioners of a police burgh.

(6.) "Council" shall mean the town council.

(7.) "Councillors" and "town councillors" shall in the case 10 of police burghs mean the individual commissioners of the burgh.

(8.) "Electors" shall mean the persons to whom the right of electing town councillors belongs.

(9.) "Magistrate" shall include lord provost, provost, and bailie. 15

(10.) "Municipal boundary" (a) in the case of a royal burgh, parliamentary burgh, or burgh incorporated by Act of Parliament, shall mean the boundary enclosing the whole area included within the royalty, the municipal boundaries, and the boundaries for police purposes of the burgh, as 20 existing immediately prior to the commencement of this Act; (b) in the case of any other burgh, shall mean the boundary of the burgh as fixed under the provisions of the Burgh Police (Scotland) Act, 1892, or of any Act thereby repealed; and (c) in all cases shall include any extension of such 25 boundary, and be subject to any contraction thereof effected under this or any other Act.

(11.) "Municipal register" shall mean the register of persons entitled to vote in the election of town councillors.

(12.) "Police burgh" shall have the same meaning as in the 30 Burgh Police (Scotland) Act, 1892.

(13.) "Police purposes" shall mean the purposes of the Burgh Police (Scotland) Act, 1892, the Public Health (Scotland) Act, 1897, and any Acts explaining or amending the same, and also of all local Acts conferring similar powers or 35 imposing similar duties on the town council, commissioners, or magistrates of any burgh.

(14.) "Registration Acts" shall have the same meaning as in section eight of the Representation of the People Act, 1884.

(15.) "Registration court" shall mean and include the registra- 40 tion court and the court of appeal under the registration Acts.

(16.) "Sheriff" shall include "sheriff substitute."

- (17.) "Senior bailie" or "senior magistrate" shall mean the bailie who has been longest in office since his last election as such. A.D. 1900.
- (18.) "Supplementary list" shall mean the list mentioned in section thirty-one.
- (19.) "Town clerk" shall, in the case of police burghs, mean the clerk to the commissioners.
- (20.) "Town council" and "council" shall, in the case of police burghs, mean the commissioners of the burgh.

10 *Constitution and Government of Burghs.*

5. The town council of every burgh shall be elected under the provisions of this Act and shall be designed by the corporate name of "the provost, magistrates, and councillors" of the burgh, and the common seal shall be used and adhibited under their authority and subject to their directions. Corporate name and common seal. [Burgh Police Act, s. 55 (2).]

6. In the case of burghs in which by charter, usage, or other authority, the provost was, at the commencement of this Act, entitled to the designation of "lord provost," or where the right to such designation shall hereafter be conferred by charter or statute, the corporate designation of the town council shall be the "lord provost, magistrates, and councillors" of the burgh. Designation of lord provost.

7. Subject to the provisions of this Act, the town council shall have the administration of the whole affairs and property of the burgh, and the council and magistrates shall have such and the like rights, powers, authorities, and jurisdiction as were possessed by the magistrates and council of any royal burgh according to the law as existing immediately prior to the commencement of this Act, anything in the set usage or custom of any burgh to the contrary notwithstanding. Town council to administer affairs of burgh. [3 & 4 W. IV. c. 76. s. 31.] [Burgh Police Act, s. 38.]

8. The whole powers, rights, duties, and authorities possessed within the burgh by any body of police commissioners, or any local authority under the Public Health (Scotland) Act, 1897, and the whole lands, works, and other property vested in them shall, in so far as this has not already been effected, be transferred to and vested in the town council, and all bonds and other deeds granted by such body or local authority shall be binding on the town council; and except in so far as is by this Act otherwise directed, or as the town council may otherwise resolve, it shall not be necessary to hold separate or special meetings for the transaction of business arising out of the powers hereby transferred, or out of any

A.D. 1900/ powers conferred by any Act of Parliament, or to keep separate minute books therefor, and the whole powers and authorities possessed by the town council may be exercised at any meeting.

Police commissioners to form town council.
[Burgh Police Act, s. 55 (2).]

9. The commissioners of police burghs shall be the town council of such burghs, and the individual commissioners shall be the councillors, and they shall be known and designated as the town council and councillors, and shall have the corporate name herein-before provided. 5

Service of writs, execution of deeds, and form of title to lands.
[Burgh Police Act, s. 55 (2).]

10. The town council shall sue and be sued in their corporate name, and service on them of all legal processes and notices shall be effected by service on the town clerk. The title to all lands acquired by the town council shall be taken in their corporate name, and all deeds, contracts, and writs of importance requiring to be executed by the town council shall be granted in their corporate name, and shall be signed by three of the councillors and the town clerk, and sealed with the common seal, but bonds for money borrowed shall be executed by the treasurer instead of the town clerk. 10 15

Number and Qualification of Councillors.

Number of magistrates and councillors.
[Burgh Police Act, s. 29, and Amendment Act, 1894.]

11. The number of magistrates and councillors to be elected in each burgh shall be in accordance with the scale specified in Schedule II. Provided that, until altered under section twelve hereof, the magistrates and councillors shall continue of the same number as they were under the law existing before the commencement of this Act. 20 25

Alteration of number.
[Burgh Police Act, ss. 24 and 29.]

12. Where the number of magistrates or councillors in any burgh under the law existing immediately before the commencement of this Act differs from the scale specified in Schedule II., or where, by alteration in population, the number at any time hereafter comes to differ therefrom, it shall be competent for the town council to present a petition to the sheriff praying him to exercise his powers under this section, and upon consideration of such petition, and after such advertisement and inquiry as he shall deem proper, the sheriff shall— 30

- (1.) Ascertain and declare, for the purposes of this Act, the number of the population of the burgh. 35
- (2.) Declare that the number of magistrates and councillors shall be increased or diminished, so as to make it conform to the scale specified in Schedule II.

(3.) Determine when, and in what manner, the increase or decrease in the number of magistrates and councillors shall be effected in the burgh, and in the different wards thereof. A.D. 1900,

5 (4.) Determine when and in what order the whole magistrates and councillors, as increased or decreased in number, shall vacate office.

10 (5.) Determine all questions that may arise in connexion with such increase or decrease, and pronounce any order which he may find expedient for effecting the same, or for obviating any difficulty which may prevent the due carrying out thereof.

13. Any male elector in the burgh who is not subject to any of the disqualifications after-mentioned shall be eligible as a councillor.

Persons eligible as councillors.
[3 & 4 W. 4.
c. 70. s. 8, 31 & 32
Vict. c. 108. s. 3.]

15 14. A person shall be disqualified for being nominated or elected, and for being or continuing a councillor, if and while he—

Disqualifications of councillors.
[3 & 4 W. 4.
c. 70. s. 8; 31 & 32
Vict. c. 108. s. 3.]
[Burgh Police
Act, s. 51.]

(1.) Is not an elector, or does not appear as such on the municipal register.

20 (2.) Being a councillor, fails to attend any meetings of the council for a period of six consecutive months without leave of absence from the council.

(3.) Is an adjudged bankrupt within the meaning of the Bankruptcy Frauds and Disabilities (Scotland) Act, 1884, whose disqualification has not been removed in manner provided by that Act.

25 (4.) Holds any office or place of profit in the gift or disposal of the council.

[Burgh Police Act, s. 71.]

30 (5.) Has, directly or indirectly by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of the council, provided that a person shall not be so disqualified or be deemed to have any share or interest in such a contract or employment by reason only of his having any share or interest in—

[Burgh Police Act, s. 71.]
[cf. English Municipal Corporation Act, 1882, s. 12.]

(a) any lease, feu, sale, or purchase of land, or any agreement for the same;

35 (b) any agreement for the loan of money, or any security for the payment of money only;

(c) any newspaper in which any advertisement relating to the affairs of the burgh or council is inserted;

40 (d) any company which contracts with the council for lighting, or supplying with water, or insuring against fire, any part of the burgh, or insuring employees against accident, or

A.D. 1900.

(e) any railway company or any company incorporated by Act of Parliament or Royal Charter, or under the Companies' Acts.

Election of
disqualified
person.
[16 Vict.
c. 28. s. 6.]

15. In the event of any disqualified person being elected a councillor, or in the event of any councillor, after being duly elected, coming under any of the disqualifications specified in section fourteen hereof, his office shall, nevertheless, not be vacated, and he shall not be prevented from voting and acting as a councillor until he voluntarily resigns or his disqualification has been determined by an election court under and within the meaning of the Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890, on a petition presented within the time specified by said Act, by the town council or by any four or more electors, or, in the case of disqualification alleged to exist at the time of nomination or election, by any candidate opposing him at the election, and the provisions of the last-mentioned Act shall be held to apply to the said petition and procedure thereon, provided that in the case of any continuing disqualification it shall be competent to present such petition at any time while the disqualification subsists. Provided also that if in the opinion of the election court any disqualified person has in the knowledge of his disqualification made an oath or declaration de fidei or taken his seat in the town council it shall be in the power of the court to impose on him a fine not exceeding *twenty pounds*, which sum shall be paid to the town council and applied in such manner as they may direct.

Councillors not
to hold offices of
profit.
[Burgh Police
Act, s. 71.]
Councillors
not to be
liable for
debts of
burgh.
[3 & 4 W. 4.
c. 76. s. 33.]

16. It shall not be competent for a town council to appoint a councillor to any office or place of profit in their gift or disposal.

17. No councillor shall incur by his election or acceptance of office any other responsibility for the debts of the burgh, or the acts of his predecessors in office, than might have attached to him as a burgess or inhabitant independently of such election.

Division into Wards and Polling Districts.

Number of
councillors
in each ward.
[Burgh Police
Act, s. 29.]

18. Where a burgh is divided into wards, the number of wards shall be so adjusted as that there shall be three, or a multiple of three, councillors for each ward.

Existing
number of
wards and
councillors to
remain until
altered.

19. In the case of any burgh where the number of wards and councillors in each ward under the law as existing immediately prior to the commencement of this Act differs from the proportion specified in the immediately preceding section, the number of

wards shall remain as so existing, until altered under section twenty hereof. A.D. 1900.

20. In the following cases, that is to say, where—

- 5 (1) the town council of any burgh not divided into wards resolves that it is expedient that it should be so divided ;
- (2) the town council of any burgh resolves that it is expedient that the number or boundaries of the wards should be altered ;
- 10 (3) in consequence of any increase or decrease of councillors it is necessary, in order to conform to the provisions of sections eleven and eighteen hereof to alter the number or boundaries of wards ;
- (4) any alteration of the boundary of a burgh has taken place ; the sheriff shall, on the application of the town council, if he shall consider the change necessary or expedient, and after such inquiry and advertisement as he shall think proper—
- 15 (1) divide or re-divide the whole burgh into wards in conformity with section eighteen or as near thereto as possible, and define the boundaries of such wards ;
- 20 (2) in every case, except in that of a burgh for the first time divided into wards, apportion the existing councillors, or any increased or decreased number of councillors, among the wards so created or altered ;
- 25 (3) determine all questions that may arise in connexion with such division, re-division, or apportionment, and pronounce any order which he may find expedient for effecting the same or for obviating any difficulty which may prevent the due carrying out thereof.

Division or re-division into wards. [Burgh Police Act, s. 11; 31 & 32 Vict. c. 108. s. 17.]

21. Any division into wards or alteration of the boundaries of wards shall have effect for parliamentary as well as municipal purposes, provided that such division or alteration shall not affect the boundaries of any division of the burgh for the purpose of returning a member to serve for such division in Parliament.

Ward boundaries to have effect for parliamentary purposes. Local Government Act, 1894, s. 13 (6).

22. In the case of a burgh for the first time divided into wards, the whole of the council, including the provost, shall retire at the next election after such division is completed, and the new council shall be elected by the wards.

First division of burgh into wards.

23. Where the boundaries of any burgh for police purposes, as existing prior to the commencement of this Act, do not embrace the whole area within the municipal boundary as defined by this Act, the burgh shall be held to be extended so as to embrace the whole area within the municipal boundary, and that as regards all municipal and police purposes, provided that where, in the opinion of the sheriff, any territory within the municipal boundary of any

Unification of burgh boundaries.

A.D. 1900. burgh, but outside the boundary for police purposes as the same existed prior to the commencement of this Act, is not of an urban character, he may, on the application of the town council or of any four householders within such territory, presented to him within six months from the commencement of this Act, declare that such territory shall, in whole or part, not be included in the municipal boundary, and in such case the municipal boundary shall only include the remaining portion of the burgh. 5

Unification
of municipal
and parlia-
mentary
boundaries.

24. Where the municipal boundary of any burgh does not extend to the parliamentary boundary, the sheriff is hereby empowered, on the application of the town council, after such advertisement and inquiry as he may deem necessary, to extend the municipal boundary so as to include the whole or any part of the area within the parliamentary boundary: And where the municipal boundary of any burgh extends beyond the parliamentary boundary, the sheriff is hereby empowered, on the application of the town council and after advertisement and inquiry as aforesaid, to disjoin from the burgh the whole or any part of the area beyond the parliamentary boundary, and declare the same to form for all purposes part of the county within which it is situated; Provided that— 10 15 20

- (1.) Where the sheriff has, on any such application, dealt with a part only of the areas in question, he may, on subsequent applications presented to him by the town council from time to time, deal with the whole or part of the remaining areas.
- (2.) The sheriff shall, on the application of the town council, the county council, or any other body or person interested, determine all questions as to rating, apportionment of debt, compensation for assets taken over, alteration of the boundaries of special drainage, water supply, scavenging or lighting districts, and all other questions that may arise in consequence of such alteration of boundaries. 25 30
- (3.) It shall not be competent, in any such extension, to include any portion of any other burgh, unless with the consent of the town council of such other burgh, expressed by special order to be passed in manner provided by section three hundred and six of the Burgh Police (Scotland) Act, 1892. 35
- (4.) The decision of the sheriff shall be subject to appeal at the instance of the town council or any other party interested in manner provided by the thirteenth section of the Burgh Police (Scotland) Act, 1892. 40

Sasine
registers
not to be
effected.

25. Any alteration of the municipal boundary of a burgh effected by or under this Act shall not affect the boundaries of the burgh for the purpose of the registration of writs in the Register of Sasines.

- 26.** The town council may by resolution divide the burgh, or any ward, into two or more polling districts, and from time to time rescind such resolution or alter the number or boundaries of such polling district, and in carrying out any election the returning officer shall appoint at least one polling place in each polling district.

A.D. 1900.
Polling districts.
[Ballot Act, 1872, s. 5.]

Constituency.

- 27.** The electors shall consist of—
- 10 (1.) All persons who are entitled in respect of the ownership or occupancy of premises within the municipal boundary to vote in the election of a member of Parliament.
- 15 (2.) All peers and women who, in respect of the ownership or occupancy of premises within the municipal boundary, possess the qualifications entitling male commoners to vote in the election of a member of Parliament; provided that a wife shall not be registered or entitled to vote in respect of any property in respect of which her husband is registered.
- Provided that no person shall be entitled to exercise any of the rights of an elector—
- 20 (1) unless his name appears on the municipal register ;
- (2) if any disqualifying mark applicable to the municipal franchise appears against his name in the municipal register ;
- 25 (3) if, and so long as he is subject to any disability under the Elections (Scotland) Corrupt and Illegal Practices Act, 1890, or any other Act for the time being in force relating to a parliamentary election or an election to any corporate office.

Qualification of electors.
[31 & 32 Vict. c. 108. s. 3.]

[44 Vict. c. 13. s. 2.]
[57 & 58 Vict. c. 58. s. 11.]

[Burgh Police Act, s. 31.]

Municipal Register.

- 28.** In every burgh returning or contributing to return a member or members to Parliament, where the municipal and parliamentary boundaries are the same, or the municipal boundary includes any area beyond the parliamentary boundary, the municipal register shall consist of—
- (1) the register of voters for parliamentary purposes ;
- (2) the supplementary list.
- 35 **29.** In every burgh returning or contributing to return a member or members to Parliament, of which the parliamentary boundary includes any area beyond the municipal boundary, the assessor shall place a distinctive mark on the list of voters for parliamentary purposes opposite the names of all persons appearing

Register in burghs returning members to Parliament.

[31 & 32 Vict. c. 108. s. 6.]

[44 Vict. c. 13. s. 3.]
Register in burghs where parliamentary boundary extends beyond municipal boundary.

[36.]

B

A.D. 1900. — thereon only in respect of the ownership or occupancy of premises within such area, and the municipal register shall consist of—

- (1) the register of voters for parliamentary purposes, subject to the deduction therefrom of all names so marked ;
- (2) the supplementary list.

5

Register in burghs not returning members to Parliament. [33 & 34 Vict. c. 92. s. 6. Burgh Police Act, s. 30.]

30. In every burgh not returning or contributing to return a member or members to Parliament, the assessor for the county or counties or districts thereof within which the burgh is situated shall, on or before the *fifteenth day of September* in each year, prepare an excerpt from the list of voters for parliamentary purposes for such county, containing the names of all persons appearing thereon in respect of the ownership or occupancy of premises within the municipal boundary, and the municipal register shall consist of—

- (1) the said excerpt ;
- (2) the supplementary list.

15

Supplementary list [44 Vict. c. 13. s. 2.]

31. On or before the *fifteenth day of September* in each year the assessor for any burgh, and for any portion of a county included within the municipal boundary of any burgh, shall prepare a separate list of the peers and women referred to in section twenty-seven, and of all persons appearing in the parliamentary list of voters in respect of the ownership or occupation of premises in any area beyond the parliamentary boundary, but within the municipal boundary of any burgh, which list shall form the “supplementary list.”

25

Disqualification from failure to pay burgh rates. [Compare Local Government (Scotland) Act, 1889, s. 28.]

32. As affecting the right to be a burgh elector, failure to make payment of any burgh rate, or exemption from payment of any burgh rate, either on account of poverty or of the elector not having been a ratepayer within the burgh at the date when any burgh rate for the year ending on the *fifteenth day of May* of the year in which the parliamentary register of list is made up, was imposed, shall be a disqualification in the same manner as and in addition to the disqualification arising from, exemption from, or failure to make payment of poor rate in the case of a parliamentary elector.

35

For the purpose of the registration of burgh electors, the provisions of the Registration Acts in regard to demanding payment of poor rate, the intimation of the names of persons exempted from or who have failed to make payment of poor rate, and the relief against erroneous or improper exemption from payment of poor rate, shall be read and construed as if they applied to the burgh

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rates as well as to the poor rates, and as if the collector of the burgh rates were therein named as well as and along with the collector of poor rate. A.D. 1900.

The assessor shall prefix a distinctive mark to the number or name of any parliamentary elector as appearing in the parliamentary register or list, or of any elector in the supplementary list, or in the excerpt referred to in section thirty, if such elector shall seem to him to be disqualified in respect of exemption (for either of the causes above mentioned) from or failure to make payment of any burgh rate; and the forms of registers and lists and of notices of claim and objection, and the provisions in regard to numbering on the register under the Registration Acts shall be varied so as to make them applicable to the registration of burgh electors as well as to the registration of parliamentary or other electors.

33. The same procedure shall be followed with reference to the distinctive marks referred to in sections twenty-nine and thirty-two, the excerpt referred to in section thirty, and the supplementary list as is by the Registration Acts appointed to be followed with regard to the preparation, printing, publication, appeal, revision, completion, authentication, and otherwise of the register of parliamentary voters for burghs and counties respectively. Procedure in Registration Acts to apply to excerpt, &c.

34. Where any burgh is situated, in whole or in part, within the parliamentary boundaries of any other burgh, the same shall, for the purposes of this Act, be considered to be a burgh not returning or contributing to return a member or members to Parliament, and the duties of the assessor under sections thirty-one and thirty-two of this Act shall be performed, as regards any portion of the municipal area of the burgh situated within the parliamentary boundaries of any other burgh, by the assessor for such other burgh, and as regards the remaining portion of such area by the assessor for the county or counties or districts thereof within which it is situated. Register in burghs within parliamentary boundaries of another burgh.

35. Notwithstanding anything herein contained, the assessors or other persons charged with the preparation of the municipal register, or any part thereof, shall observe the provisions of the Local Government (Scotland) Act, 1894, and Acts explaining or amending the same, with reference to the form and requisites of a municipal register, provided that the insertion in any municipal register of the name of any person qualified as a parish elector only shall not operate to constitute him a municipal elector, and the names of such persons shall be indicated by a distinctive mark. Assessors to observe provisions of Local Government (Scotland) Act, 1894.

[36.]

B 2

A.D. 1900.

Register to be evidence, and term in force. [33 & 34 Vict. c. 92. s. 6; 19 & 20 Vict. c. 58. ss. 30, 31, 32. Burgh Police (Scotland) Act, ss. 30 and 31.]

36. The municipal register of any year shall be exclusive evidence of the right of any person to exercise the rights of an elector during said year, and it shall remain in force from the *thirty-first day of October* in that year until the *first day of November* in the following year.

5

Retirement of Councillors and filling up of Vacancies.

Present council to continue in office.

37. The town council and magistrates of every burgh in existence at the commencement of this Act shall be the town council and magistrates under this Act, but their retirement, and the filling up of vacancies, shall be regulated by this Act.

10

One-third of council to retire yearly. [3 & 4 W. 4. c. 76. s. 16. Burgh Police Act, s. 37.]

38. On the first *Tuesday* of November in each year one-third of the whole town council in the case of a burgh not divided into wards, and one-third of the councillors for each ward in the case of a burgh divided into wards, shall retire from office. In any case where the number of councillors for any burgh or ward is not divisible by three, the number to retire shall be the nearest to one-third.

15

Councillors longest in office to retire. [3 & 4 W. 4. c. 76. s. 16.]

39. The one-third to retire shall consist of those who have been longest in office since their last election. Where it is necessary, in order to make up the said one-third, that one or more councillors should retire out of the number of those that have been in office for an equal period, the councillor or councillors to retire shall be those who had the smallest number of votes at their previous election. In the event of there having been no contest or an equality of votes at the said previous election, the town council shall decide, at a meeting to be held during the month of September immediately preceding the election (the notice calling which shall state that the matter is to be considered by the meeting) which of the councillors is to retire.

20

25

[33 & 34 Vict. c. 92. s. 5.]

Casual vacancies. [3 & 4 W. 4. c. 76. s. 25. Burgh Police Act, s. 28.]

40. In the event of any of the following events occurring between the issue of the notice mentioned in section forty-six, and the *first day of October* in the following year, viz. :—

30

[16 Vict. c. 26. s. 1.]

- (a.) The death of any councillor ;
- (b.) The resignation of office of any councillor ;
- (c.) Any councillor coming under any of the disqualifications specified in section fourteen hereof ;

35

[16 Vict. c. 26. s. 1.]

- (d.) A disqualified person being elected as councillor ;

(e.) The full number of councillors not being elected at any election, the full number failing to accept office, or any councillor being elected by more than one ward; A.D. 1900.

5 (f.) Any election being abortive in consequence of any error or irregularity in the proceedings; [16 Vict. c. 26. s. 1.]

(g.) A vacancy occurring from any cause other than those above stated, and other than retirement in ordinary rotation;

the vacancy so occurring shall be filled up ad interim by the town council at a meeting of which the notices, stating that the matter
10 is to be then dealt with, shall be sent out by the town clerk within three weeks of the occurrence of such event, and which shall be held not sooner than five days, and not later than ten days, from the date of such notice. In the event of the town clerk failing to call the said meeting, or in the event of the said meeting failing so
15 to elect, it shall be in the power of the provost, or of any councillors forming among them one-third of the whole town council, at any time thereafter, to call a meeting for the same purpose and upon the same notice.

41. The councillor elected ad interim under the preceding
20 section shall hold office until the *first Tuesday of November* next ensuing after his election, or, in the event of his election between the issue of the notice referred to in section forty-six and the first Tuesday of November thereafter, until the first Tuesday of November in the following year, and if the councillor whose place
25 he is elected to supply would, in ordinary course, have formed one of the councillors to retire at said date, he shall be reckoned as forming one of the councillors to retire thereat; but in any other case he shall not be so reckoned, and his place shall be filled up by the electors, in addition to the said one-third.

30 42. Any councillor may resign his office at any time upon giving not less than three weeks' notice in writing to the town clerk, and the said resignation shall take effect after the expiry of the said three weeks, provided that, in the event of such councillor intimating that he desires that his resignation should take effect at
35 the date of the next annual election, the same shall take effect at that date, irrespective of the foresaid term of notice being given, provided only that notice of resignation in writing is given to the town clerk before the issue by him of the notice provided for by section forty-six hereof.

40 43. In case of any of the events mentioned in section forty hereof occurring between the *thirtieth day of September* and the

When
vacancy not
to be filled up
ad interim.

A.D. 1900. — issue of the notice referred to in section forty-six hereof, or of a councillor intimating his resignation to take effect at the date of the next annual election, the vacancy so caused shall not be filled up by the town council, but shall be filled up by the electors at the annual election of said year, the councillor vacating office being 5 reckoned, or not reckoned, one of those retiring at said election, according as he would, or would not have, in ordinary course, formed one of the third falling to retire at said election.

Leave of
absence to
councillor.
[Burgh
Police Act,
s. 51.]

44. It shall be lawful to the council to grant leave of absence to a councillor on his application, and on a reasonable cause shown, 10 for any period not exceeding twelve months.

Procedure at Elections.

Mode of
election and
voting.

45. Where a burgh is not divided into wards, there shall be one election of councillors for the whole burgh. In other cases there shall be an election in each ward. In any case where the name of 15 an elector appears in the municipal register as being qualified in respect of the ownership or occupancy of premises in more than one ward, such elector may vote in any one of said wards, but he shall not thereafter be entitled to vote at the same election in any other ward, and in the event of his doing so, or presenting himself 20 at any polling place and asking for and receiving a ballot paper with the intention of so voting, he shall be liable to a penalty not exceeding *fifty pounds*, recoverable in like manner and under the same alternative as are applicable to any penalty under the Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890. 25

Notice of
vacancies
and dates of
nomination
and election.
[3 & 4 W. 4.
c. 76. s. 8.]

46. Between the *eleventh and eighteenth days of October* in each year the town clerk shall, by notice to be affixed to the outside wall of the town hall, or of any premises where the meetings of the town council are ordinarily held, and also to be published either by handbills posted up throughout the burgh or by insertion at least 30 once within the said period in some newspaper circulating within the burgh, if any be, or otherwise in some newspaper circulating in the county in which the burgh is situated, intimate (1) the names of the councillors falling to retire on the ensuing *first Tuesday of November*; (2) the wards by which their places fall to be supplied 35 in the case of a burgh divided into wards; (3) the date and place for lodging nomination papers; (4) the date of election in the event of there being a poll; and (5) the polling places. The said notice shall be in, or as nearly as may be in, the forms respectively applicable contained in Schedule III. annexed to this Act. 40

47. It shall not be competent to elect any person to the office of councillor unless the name of such person shall have been intimated to the town clerk in the manner herein-after provided, between the hours of ten of the clock forenoon and four of the clock afternoon of the Monday or Tuesday immediately preceding the first Tuesday of November by delivery to him, or at his office, of a nomination paper in, or as nearly as may be in, the form of Schedule IV. hereunto annexed.

A.D. 1900.
Nomination
of candidates.
[Burgh
Police Act,
s. 39.]

48. The said nomination paper shall be subscribed by two electors, and the form of assent appended thereto shall be signed by at least five other electors, and in the case of a burgh divided into wards, the proposers and assenters shall all be electors of the ward to which the nomination paper applies. The form of consent to be nominated, on the nomination paper, shall be subscribed by the candidate or a law agent duly authorised by him.

Signatures to
nomination
paper.
[Burgh
Police Act,
s. 39.]

49. Any nomination may be withdrawn by notice of withdrawal given to the town clerk before four of the clock afternoon of the Thursday immediately preceding the said first Tuesday of November, and such notice of withdrawal shall be signed by the person nominated or a law agent duly authorised by him, and his proposers, and shall be in, or as nearly as may be in, the form of Schedule V. of this Act, provided that no such withdrawal shall be competent where its effect would be to reduce the total number of persons nominated for the then ensuing annual election of town councillors in such burgh (or in a ward thereof where the burgh is divided into wards, and the notice applies to such ward) below the number necessary to supply the vacancies to be filled up in the burgh or ward, as the case may be, at that election.

Withdrawal
of nomina-
tion.
[Burgh
Police Act,
s. 40.]

50. The town clerk shall, immediately after four o'clock on the last-mentioned Thursday, and, at latest, on the Friday immediately preceding the election, cause public notice to be given of the names of all persons so intimated to him and of all withdrawals intimated to him as aforesaid, and such notice shall be in, or as nearly as may be in, the form of Schedule VI. hereunto annexed, and shall be affixed and published in manner directed by section forty-six hereof. In case the number of nominations in any burgh or ward does not exceed the number of vacancies, the town clerk shall, in his notice, intimate that fact, and state that there will be no poll in such burgh or ward.

Notice of
candidates
nominated.
[31 & 32
Vict. c. 108.
s. 9.
33 & 34 Vict.
c. 92. s. 3.]

51. In the event of any disqualified person being nominated, the town clerk shall, if the names of such person and his proposers

Nomination
of disquali-
fied person.

A.D. 1900. — and assenters appear in the municipal register, receive the nomination paper and deal with it in the same manner as the nomination papers of qualified candidates, but if the name of such persons, or any of them, do not appear in the municipal register, he shall reject the nomination paper, and the same shall be null and void. 5

Number of candidates not exceeding vacancies. [33 & 34 Vict. c. 92. s. 3.]

52. In the event of the number of persons nominated and not subsequently withdrawn not exceeding the number of vacancies in any burgh or ward of a burgh, the persons nominated shall be held to be duly elected as councillors.

Poll in contested elections.

53. In the event of the number of persons nominated and not subsequently withdrawn for election as councillors of any burgh or ward of a burgh exceeding the number of vacancies, the election shall be carried out by a poll which shall be taken on the *first Tuesday of November*, under and in conformity with the provisions of the Ballot Act, 1872, the Elections Hours of Poll Act, 1884, and any Acts extending and amending the same. 15

Returning officer.

54. The returning officer at the said election shall be the provost of the burgh, but the acting chief magistrate shall act as returning officer in the events—

(1) of the office of provost being at the time vacant; 20

(2) of the provost being among the number of councillors falling to retire at the election, or of his term as provost expiring, or his resigning office as at the date of the election;

(3) of the provost being incapacitated from acting by illness, absence, or any other cause; or 25

[3 & 4 W. 4. c. 76. s. 8.]

(4) of the provost declining or failing to perform his duties under the Act.

Town clerk to be returning officer in certain cases. [Burgh Police Act, s. 33.]

55. In the event of the provost and all the bailies being amongst the number to retire, or being prevented from acting or failing to act as returning officer for any of the reasons aforesaid, the town clerk, or any person appointed by him, shall act as returning officer. 30

Declaration of election. [3 & 4 W. 4. c. 76. s. 10.]

56. The returning officer shall cause the result of the election, whether contested or uncontested, to be declared within the town hall or other public hall or place in the burgh, not later than four of the clock afternoon of the day after the election, and shall cause a written or printed statement thereof, signed by him, to be immediately thereafter affixed to the outside wall of the town hall, or of any premises in which the meetings of the town council are usually held. 35 40

57. The town clerk shall, immediately after the declaration of the election, and at latest before the expiry of the day after the election, give notice in writing to the several persons elected of their election, and require them severally to appear in the town hall or
 5 other public room aforesaid, on the second lawful day after such election and at such hour between ten o'clock forenoon and eight o'clock afternoon as may be fixed by said notice, when they shall severally declare, in presence of the returning officer or of the
 10 councillor, and if any such person shall be found to have been elected by more than one ward in a burgh, he shall thereupon declare for which ward he intends to serve. In the event of any person elected failing to attend such meeting and declare his acceptance of office, or to intimate in writing addressed to the
 15 town clerk and delivered to him or at his office before the hour of such meeting, his acceptance of office, the person so elected shall be held to have declined office, and his place shall be held to be vacant.

A.D. 1900.
 Notice to
 councillors
 of their
 election.
 [3 & 4 W. 4.
 c. 76. s. 10.]

58. It shall not be necessary for any councillor or magistrate to
 20 make any oath or declaration before accepting office or acting as such, but every councillor and magistrate shall, by his acceptance of office, be held to affirm his allegiance to the Crown and to undertake to administer faithfully the duties of his office.

Oath or
 declaration
 unnecessary.

59. In the event of two or more candidates receiving an equal
 25 number of votes, the returning officer shall have and exercise a casting vote.

Returning
 officer to
 have casting
 vote.

60. The electors, on the application of not fewer than six of their number, and the town council, shall be entitled to use, free of charge, at all reasonable times, except during ordinary school hours,
 30 and after reasonable notice, for any purpose under this Act, including public meetings in connexion with the candidature of any person for the town council, any room in a school receiving a grant out of moneys provided by Parliament, and any room the expense of which is payable out of any rate levied by the town council,
 35 provided that this enactment shall not authorise the use of any room used as part of a private dwelling-house, and that any expense reasonably incurred by the person or persons having control over the room, or any damage done to the room or its contents in consequence of its being so used, shall be defrayed by the electors
 40 applying for the use of the same, or by the town council where they are the applicants, and in any case the person or persons calling the meeting shall be responsible for such expense or damage.

Use of
 schoolrooms.
 [Local
 Government
 Act, 1894,
 s. 31.]

[36.]

C

A.D. 1900.

Elections of
other bodies.
[Local
Government
(Scotland)
Act, 1894,
s. 15.]

61. Where by any Act of Parliament it is provided that the election of the members of any public body other than the town council or commissioners of a burgh shall take place on the same day, or in the same manner, or with the same returning or presiding officer and clerks as the election of town councillors, the provisions of this Act shall be held to be substituted for the provisions of any Act in force at the time of the passing of such Act of Parliament, and so far as inconsistent with this Act, and not otherwise repealed or amended, the provisions of such Act shall be held to be repealed or amended. Any notice or nomination paper regarding the election of any such public body shall be in, or as nearly as may be in, the forms provided by the schedules to this Act. Provided that nothing in this Act shall affect the provisions of any Act relating to the term of office, the failure to elect the members of such other public body, or any deficiency or casual vacancy in their number. 15

Election of Magistrates, &c.

Election of
provost and
bailies.
[3 & 4 W. 4
c. 76. ss. 17.
24.]

62. The magistrates shall be elected by the town council from among their own number. The provost shall hold office from the date of his election until the expiry of *three years* from the first Tuesday of November immediately preceding his election, and during that period he shall (provided he continues to hold the office of provost) continue to hold office as a councillor, and be held at each of the elections occurring during his term of office to have been the shortest time in office of the councillors for the burgh or for the ward which he represents. 25

Bailie to hold
office till expiry
of term as a
councillor.
[3 & 4 W. 4
c. 77. s. 22.]

63. Each bailie shall hold office from the date of his election to the date at which he falls in ordinary course to retire as a councillor.

Meeting for
electing
magistrates.
[3 & 4 W. 4
c. 76. s. 16.]

64. The town council shall meet at twelve of the clock noon on the Friday immediately succeeding the day of each annual election, and, at such meeting or any adjournment thereof, fill up by election all vacancies that may then exist in the offices of provost and bailie. The returning officer, or in case of his absence, one of the bailies, in the order of seniority, or failing any bailie, one of the councillors to be appointed by the meeting, shall preside at the said meeting. Where more than one bailie falls to be appointed at any meeting, each vacancy shall be filled up separately, and the seniority of those elected shall depend upon the order of their election. 30

65. In the event of the council failing to meet on the said day or to fill up any of the said vacancies at said meeting, or any adjournment thereof, it shall be lawful to them to fill up the said vacancies at any subsequent meeting to be duly called, but in the event of their failing to hold such meeting and make such election within the month of November in any year, it shall be lawful for the sheriff to appoint, and he shall, on the application of any four electors of the burgh, appoint councillors to fill any vacancies in the said offices, or in the event of none of the councillors being willing to accept office, appoint such persons thereto from among the electors as he shall deem proper, and the persons so appointed from the electors shall be supernumerary councillors of the burgh, but their term of office shall terminate at the next annual election, and they shall not be reckoned as part of the one-third to retire at such election, nor shall their appointment in any way interfere with the ordinary rotation of retiral of the other councillors.

A.D. 1900.

Failing to hold meeting on statutory day.

66. In the case of new burghs formed under the Burgh Police (Scotland) Act, 1892, the council first elected shall hold their first meeting at twelve of the clock noon on the first Friday after the first election, and the sheriff, or any person appointed by him, shall preside at the said meeting, and have a casting vote in case of equality, and the magistrates shall be elected at such meeting.

First meeting in new burghs. [Burgh Police Act, s. 35.]

67. In the event of the provost being prevented at any time from fulfilling, or failing to fulfil, any of the duties of his office, on account of illness, absence from home, or from any meeting or any other cause, such duty shall be performed by the senior bailie, or in the event of his being prevented from fulfilling it from any such cause, by the next senior bailie, and so on through the whole number of bailies.

Acting chief magistrate in absence of provost.

68. Any magistrate may resign office at any time on giving three weeks' notice, in writing, of his resignation to the town clerk, and his resignation shall take effect on the expiry of the said three weeks. Any magistrate resigning his office as a councillor, or ceasing for any reason to hold the office of councillor, shall be ipso facto held to vacate his office of magistrate at the same date as his office of councillor, but the resignation of office as a magistrate shall not infer resignation as a councillor.

Resignation of magistrate. [3 & 4 W. 4. c. 76. s. 26].

69. In the event of any vacancy in the office of magistrate occurring from any other cause than retirement in ordinary rotation, the vacancy so occurring shall be filled up by the town council at

Casual vacancies among magistrates. [3 & 4 W. 4. c. 76. s. 25.]

A.D. 1900

a meeting of which notices stating that the matter is to be then dealt with shall be sent out by the town clerk within three weeks of the occurrence of such vacancy, and which shall be held not sooner than five days and not later than ten days from the date of such notice, or at any adjournment of said meeting, and the person elected shall hold office for the same period and subject to the same conditions as if he had been elected in terms of section sixty-four hereof; provided that it shall not be competent for the council to elect to the said office any councillor elected ad interim under section forty hereof, during the period of his interim appointment. 10

Irregularity
or nullity not
to affect
election of
other coun-
cillors or
magistrates.
[3 & 4 W. 4.
c. 76. s. 37.
16 Vict.
c. 26. s. .]

70. No irregularity or nullity in the election of any councillor or magistrate shall in any case annul or affect the election of any other councillor or magistrate, and all proceedings of the town council or magistrates shall be valid, notwithstanding any vacancy in their number or the vote or presence of any councillor or magistrate against whose election or qualification any objection may exist; and the actings of a councillor or magistrate prior to his election being set aside or found null, or his disqualification declared, shall be equally valid and effectual as if such councillor or magistrate had been duly elected and not been disqualified. 15 20

Election
where burgh
has no legal
council.
[16 Vict.
c. 26. s. 1.
31 & 32 Vict.
c. 108. s. 13.]

71. Where any burgh shall from any cause be at any time without a legal council, any seven electors of such burgh, or any seven persons possessing the qualifications entitling them to be placed on the municipal register, may present a petition to the sheriff requesting him to conduct an election of a council, and thereupon the sheriff shall proceed with an election in the manner, or as nearly as may be in the manner, provided by sections twenty-five and twenty-six of the Burgh Police (Scotland) Act, 1892, and by the provisions of this Act relating to the conduct of elections; provided that where a municipal register exists in such burgh, the same shall come in place of the list of householders referred to in said section, and the electors shall be those specified in section twenty-seven hereof; and where no municipal register exists, the right of voting at said election shall be in the householders whose names are in the assessor's list referred to in the said sections of the Burgh Police (Scotland) Act, 1892; and provided further, that unless otherwise determined by the law as existing immediately prior to the commencement of this Act, the number of magistrates and council to be elected in such burgh shall be that specified in Schedule II. hereof. 25 30 35 40

72. In the case of any burgh to which the Burgh Police (Scotland) Act, 1892, is not applicable, and in regard to which it is provided by any Act of Parliament that any commissioners or trustees under such Act shall be elected by the municipal electors, or at the same time as or along with the town councillors of any burgh, the provisions of this Act shall be applicable to every such election of commissioners or trustees.

A.D. 1900.
Election of commissioners or trustees in certain cases. [33 & 34 Vict. c. 92. s. 4.]

73. The whole expense of making up and printing the municipal register, and in connexion with the election of councillors and magistrates, shall be defrayed either from the common good of the burgh, the assessment imposed or levied in the burgh under the provisions of the Registration Acts, or any assessment levied under the Burgh Police (Scotland) Act, 1892, all as the council may determine, and the said expenses may be divided and apportioned among the said funds and assessments as the council think proper.

Expense of making up municipal register, &c. [33 & 34 Vict. c. 92. ss. 7 and 9. Burgh Police Act, s. 34.]

Minutes and Proceedings of Council.

74. Meetings of the council shall be held at such times and at such places as may be fixed by them from time to time, and as may be appointed to be held by this or any other Act. All the councillors shall be cited to attend all meetings, such citation being given personally, or at their dwelling-houses or places of business by notice issued by the town clerk and posted or delivered at least twenty-four hours before the time of meeting, which notice shall specify, so far as known to the town clerk, the business to be considered at the meeting.

Meetings of council. [Burgh Police Act, s. 50.]

75. The town clerk shall issue, without further authority, the notices for all meetings appointed to be held by statute or by the standing orders of the council. The town clerk shall, when required in writing by the provost or acting chief magistrate, or on requisition being made to him stating in writing the object of the intended meeting, and signed by not less than one-fifth of the whole members of the council, cause special meetings to be called, the notices for which shall be issued within twenty-four hours, and which shall be held within four days after receipt of such requisition.

Special meetings. [Burgh Police Act, s. 52.]

76. In any case which appears to the provost or acting chief magistrate to demand special urgency, he may require the town clerk to call, and the town clerk shall thereupon call a special meeting, to be held at a time less than twenty-four hours from the issue of the notices, provided that the resolutions of such meeting

Special urgency.

A.D. 1900. — shall not be valid and binding on the council unless either a majority of the whole council is present, or they are confirmed by a subsequent meeting called in manner provided by section seventy-four hereof.

Quorum.
[Burgh Police
Act, s. 50.]

77. One-third of the town council shall constitute a quorum at 5 any meeting thereof.

Adjourn-
ment.
[Burgh Police
Act, s. 53.]

78. The town council may adjourn any meeting to any other day, hour, and place.

Chairman of
meetings.
[Burgh
Police Act,
s. 50.]

79. The provost or acting chief magistrate, and failing all the magistrates, such one of the council as shall be chosen by the 10 meeting, shall preside at meetings of the council, and the preses of the meeting shall have both a deliberative and, in case of equality, a casting vote, in all matters which come before it.

Committees.
[Burgh
Police Act,
s. 54.]

80 The council shall have power to form committees of their number, either with directions to report to the council, or for 15 carrying the various purposes of this Act into execution, and to delegate to such committees, in whole or in part, the powers competent to the council under this Act, with regard to the subject which may be remitted, to name the convener and sub-convener, and to fix the numbers of such committees which shall form a 20 quorum, and, if they see fit, to allow any committee to appoint sub-committees with powers; and the convener or sub-convener, or in his absence a member to be elected by the committee for the time, shall preside at all meetings of a committee, and shall be entitled to both a deliberative and, in case of equality, a casting 25 vote. All meetings of committees shall be convened by the town clerk in manner aforesaid, on the instructions of the convener, or in such manner and on such instructions as the council may appoint.

Omission to
send notice
not to invali-
date proceed-
ings.
[Burgh
Police Act,
s. 50.]

81. No act or proceeding of a town council or committee shall 30 be invalidated in consequence of the omission to send the notice of the meeting to any councillor or of the informality of such notice, and in any case the proceedings of any informally convened meeting shall be validated by confirmation at a subsequent meeting duly called.

35

Minute
books.
[Burgh
Police Act,
s. 61.]

82. Minute books shall be kept by the town clerk containing a record of the proceedings and orders of the council and their committees. All minutes of meetings of council, when prepared by the clerk, shall be submitted to the next ensuing meeting, and after being read and approved, shall be signed by the chairman of 40 the latter meeting. All minutes of meetings of committees shall

be signed by the chairman of such meeting, or by the chairman of any subsequent meeting of the same committee to which the same may be submitted for approval. A.D. 1900. —

83. Each councillor shall have a right of inspecting and taking
 5 extracts from any of the minute books or other books and documents of the burgh, and the town clerk shall, when required, give free access at a reasonable hour to the books and documents for this purpose, but, except so far as necessary for the business of the council, he shall not permit any such book or document to leave his
 10 custody without the authority of the council. Councillors to have right of inspecting minute books, &c.

84. The council may from time to time enact such standing
 orders as they may consider necessary or expedient for the regulation of their business, and repeal, alter, and amend the same. The council may by standing order provide for the closure of debate, and
 15 for the suspension by resolution of the council of any councillor disregarding the authority of the chairman of any meeting, or being guilty of obstructive or offensive conduct at any meeting, and during any period of suspension so fixed, the councillor offending shall be debarred and incapacitated from exercising any of the
 20 rights of a councillor or magistrate. Standing orders.

Officers of Council.

85. The council shall from time to time appoint a fit person to be the town clerk of the burgh. In the case of royal burghs the tenure of office shall be the same as the tenure of the office of
 25 town clerk according to the law existing immediately before the commencement of this Act. In the case of all other burghs the tenure shall be such as may be fixed by the town council. In addition to any other duties that may be prescribed by or fall within the terms of his appointment, or may devolve by law upon
 30 him, the town clerk shall perform the following duties:— Appointment of town clerk.
[Burgh Police Act, s. 61.]

- (1.) He shall have the charge and custody of, and be responsible for, the charters, deeds, records, and documents of the burgh, and they shall be kept as the council direct.
- (2.) He shall keep the records of the proceedings of the council
 35 and their committees.
- (3.) He shall prepare and issue all such notices as the council may require to issue in the conduct of their business, or as may be required in the conduct of any election.
- (4.) He shall perform all the duties laid upon the clerk to the
 40 commissioners under the Burgh Police (Scotland) Act, 1892,

- A.D. 1900. or under any other Act conferring powers or imposing duties on the council.
- Remuneration for additional duties. 86. If in consequence of the passing of this Act any duties are imposed upon the town clerk in addition to those which he was bound to perform prior thereto, the council may pay to him such additional remuneration therefor as they may think proper. 5
- Town clerk depute. 87. The town clerk may appoint one or more persons approved of by the town council to act as his depute, and all things required or authorised by law to be done by or to the town clerk may be done by or to any depute town clerk so appointed. 10
- Town clerk not to practice in police court. [Burgh Police Act, s. 62.] 88. No town clerk, depute town clerk, or partner, or anyone in the employment of such town clerk or depute town clerk shall act as agent or solicitor in the trial of any offence in any police court of the burgh.
- Rights of present officers reserved. 89. Nothing herein contained shall affect the rights of the 15 present holder of the office of town clerk or of any other officer under the town council, and such holder shall continue after the commencement of this Act to fulfil the duties of his office until his tenure thereof is legally terminated.
- Existing clerks or police, &c. may be retained. 90. Where in any burgh the duty of clerk to the town council, 20 as commissioners under the Burgh Police (Scotland) Act, 1892, or any other local or general Act conferring powers or imposing duties on the council, is performed, immediately prior to the commencement of this Act, by an officer other than the town clerk, the town council may, notwithstanding anything herein contained, 25 during the lifetime of such officer or so long as they shall consider it expedient to do so, continue him in his post, and so long as the town council shall resolve so to continue him, the duties in relation to the Burgh Police Act, or such other Act as aforesaid, imposed upon the town clerk, shall continue to be performed by the said 30 officer, who shall in relation to such duties possess all the powers hereby conferred upon the town clerk, and the council may pay to such officer such remuneration as they may think proper.
- Treasurer and collector. [Burgh Police Act, s. 63.] 91. The council shall from time to time appoint fit persons to be the treasurer and the collector of the burgh, whose tenure of office 35 shall be such as shall be fixed by the council, and such collector and treasurer, before they shall be permitted to take upon them the execution of their office, shall respectively grant bond with sufficient surety to the council for their intromissions, and for the just and faithful execution of their office, to such an amount as the 40

council shall think reasonable, and any treasurer or collector who may be convicted of wilfully secreting or not accounting to the council for any sum of money received by him, as treasurer or collector, shall forfeit triple the amount thereof to the council, besides being liable to be punished according to law, and to be deprived of his office.

A.D. 1900.

92. The treasurer or collector shall be obliged to lodge all money received by him in a chartered or other bank, or in one of the branches of such bank in the burgh, to be fixed by the council, upon an account to be opened in the name of the council in their corporate name, and to be operated upon by two of the council specially authorised to that effect, and the treasurer, and no drafts on the said account shall be made for any other purpose than making the payments which shall, from time to time, be authorised by the council or their committees as the same shall be certified by the town clerk, who shall countersign all cheques. No town clerk, collector, or treasurer shall be personally responsible in respect of the signing or counter-signing of any cheque or the making of any payment duly authorised by the council or any of their committees on the ground of the same having been ultra vires, or on any other ground.

Treasurer or collector to lodge money in bank.
[Burgh Police Act, s. 64.]

93. The council may appoint the same person to be both treasurer and collector; but (saving the cases of persons appointed to and exercising the joint offices prior to the passing of this Act, and saving also as after mentioned) shall not appoint the town clerk, or his partner, or any person in his service or employ, to be the treasurer, or appoint the treasurer or collector, or his partner, or any person in his service or employ, to be town clerk, and any appointment made in contravention of this clause shall be null and void.

Clerk and treasurer not to be same person.
[Burgh Police Act, s. 66.]

94. In the case of any burgh having not more than 5,000 inhabitants at the date of the census immediately preceding any election of town clerk or treasurer or collector, it shall be lawful for the town council at such election to appoint the town clerk to be treasurer or collector during the pleasure of the council.

Town clerk may be treasurer in burghs of 5,000.

95. In case any treasurer or collector shall become insolvent, and the sums chargeable against him shall not have been paid by his cautioner or sureties, the amount deficient shall be chargeable against the common good of the burgh, or against such of the assessments levied by the council as the council may determine.

Defalcations of treasurer or collector, how to be chargeable.
[Burgh Police Act, s. 65.]

[36.]

D

A.D. 1900.

Other
officers.

96. The council shall from time to time appoint such other salaried officers as are directed by common law or statute to be appointed, or as the council think necessary. The council may, in the case of all officers appointed by them, require such officer to give such security as they think proper for the due execution of his office. The council shall allow to their officers such remuneration as they think reasonable.

Honorary
treasurer.

97. Where under the set or usage of any burgh it has been the custom to appoint a councillor to the honorary office of treasurer, the council may continue to make such an appointment, and the honorary treasurer so appointed may exercise, subject to the direction of the council, a general superintendence over the actings of the treasurer appointed under the Act, and may be appointed convener of any finance committee appointed by the council.

Accounts and Corporate Property.

15

Books of
account.
[Burgh
Police Act,
s. 67.]
[3 Geo. 4,
c. 91. ss. 1,
&c.]

98. Accounts of all property, heritable and movable, vested in the council, and all assessments levied by them, showing the nature of such property, and of all money received and disbursed, shall be kept in books by the treasurer in such form as the auditor of the court of session shall prescribe; and all such books and accounts may at all reasonable times, and on payment of a reasonable fee, be inspected and perused by any person assessed, or any elector, and also by any person entitled to any money due and owing on the credit of any assessment, or of the common good or property of the burgh, and such persons may take copies of, or extracts from, any such books and accounts, on payment of a reasonable fee, the amount of such fee to be fixed by the auditor of the court of session; and any person in whose custody or power any such books and accounts are, who shall refuse inspection thereof, or to permit copies or extracts to be taken as aforesaid, shall be liable in a penalty not exceeding *ten pounds*; and in case any person who shall be assessed, or any elector shall be dissatisfied with any accounts which shall have been made up as herein provided, or with any of the items or articles contained in such accounts, such person may, at any time within three months after the accounts are approved by the council, complain against the same by petition to the sheriff, in which complaint shall be specified the grounds of objection to such accounts, items, or articles; and the sheriff shall proceed to hear and determine the matter of such complaint,

provided that in any case where the sum involved exceeds *twenty-five pounds*, or it is alleged that any payments entered in the said accounts are ultra vires of the council, there shall be the same right of appeal as in ordinary actions in the sheriff court.

- 99.** The council shall yearly cause to be made out a just and accurate account of all the moneys received and expended by them on account of the common good and revenue of the burgh, and on account of any rates or assessments levied or collected, or money borrowed by them under the Burgh Police (Scotland) Act, 1892, or any other Act under which they are authorised to levy assessments or borrow money, for the year ending on the fifteenth day of May immediately preceding, showing from what sources such moneys have been received, and to what purposes the same have been laid out and applied.

100. The said account shall be so made out as to exhibit a complete state, showing the common good and all other assets, and also the liabilities of the burgh, classed under different heads; also the amount of each branch of revenue and assessment, distinguishing how much thereof shall have been received, and how much thereof shall be in arrear or remaining unpaid at the date of such account; also the amount of all sums received or loans contracted for, annuities granted, and sums received in consideration thereof, or on sale, or alienation of property, distinguishing the same from the ordinary revenue, and also showing every sum paid and every sum remaining unpaid for or by reason of any expense incurred during the year for which such account shall be so made out, distinguishing the fixed or ordinary from the casual or incidental expenditure, and also showing all cautionary obligations, positive or conditional, incurred by or on account of the burgh, distinguishing such as shall have been incurred during the year.

101. The said account, as the same shall have been audited as herein-after provided, shall be laid before a meeting of council, to be held in the month of July in each year, and shall, if and as approved by the council, be signed by the preses of said meeting and the town clerk, and shall be deposited with the town clerk, who shall forthwith cause such account, or an abstract thereof, to be printed, and shall permit any person assessed, or any elector, to inspect and examine such account at all reasonable times, without payment of any fee or reward for such inspection.

102. The town council shall annually appoint an auditor for the purpose of auditing their accounts, and in case the office of such auditor shall, before such accounts are audited by him, become

A.D. 1900.

vacant by death, or from any other cause, the town council shall appoint an auditor to supply such vacancy.

Accounts,
&c. to be
delivered to
auditor.
[Burgh
Police Act,
s. 70.]

103. The council shall deliver to the auditor, within one month after the said *fifteenth day of May* annually, all the accounts, together with their books and vouchers; and it shall be the duty of the auditor to audit such accounts, and either make a special report thereon or simply confirm the same; and such report or confirmation shall be read at the foresaid meeting; and if any question arise in regard to any item in such accounts, the matter shall be disposed of by the sheriff in the same manner as appeals from the auditor of the sheriff court are disposed of, and where the sum in dispute exceeds the sum of *twenty-five pounds*, or it is alleged that any payments entered in said accounts are ultra vires of the council, there shall be the same right of appeal as in ordinary actions in the sheriff court. Provided always that it shall not be competent to raise any such question before the sheriff after the lapse of three months from the date of the meeting at which the auditor's report is received.

Accounts of
charity under
management
of town
council.
[3 Geo. 4.
c. 91. s. 4.]

104. Where the town council or magistrates or any number of them are the sole trustees for any charity, foundation or mortification, then, and in every such case, accounts relative to the same and containing the particulars specified in section ninety-eight hereof shall be kept in manner provided by that section, distinct from the accounts relative to the common good, revenues and assessments of the burgh, and subject to the same right of appeal as is provided by the said section; and the council shall yearly cause to be made out an account relative to such charity, foundation or mortification and containing the particulars specified in sections ninety-nine and one hundred hereof in manner provided by those sections, and all the provisions herein contained relative to the preparation, submission to the council, and audit of the accounts relating to the common good and assessments of the burgh, shall be applicable to the accounts of the said charity, foundation or mortification.

All aliena-
tions of
heritable pro-
perty to be
by public
roup.
[3 Geo. 4.
c. 91. s. 5.]

105. The town council shall cause all feus, alienations, or tacks for more than five years, of any heritable property of the burgh, or vested in the council, to proceed by public roup, of which public notice shall be given by advertisement published at least twenty days preceding the day of roup, in a newspaper circulating in the burgh or in the county wherein the burgh is situated, and also by printed notices posted up at the property and vicinity thereof, at least twenty days preceding the day of such roup, and all such feus alienations, leases or tacks made otherwise than as herein directed,

shall be void and null. A certificate by the publisher of such newspaper of the appearing of the said advertisement, and by the town clerk or any notary public of the posting of the said notices shall be sufficient evidence of such publication, and of the date thereof.

A.D. 1900.

- 5 106. It shall not be lawful for the council of any burgh to contract any debt, grant any obligation, make any agreement, or enter into any engagement which shall have the effect of binding them or their successors in office, unless a resolution of council or of a committee duly authorised to pass such resolution shall have
10 been previously made in that behalf, or unless the same has been authorised by some person authorised by standing order of the council to do so, and any such contract, obligation, agreement, or engagement made or entered into without such authority shall be
15 void and null as against the common good, property, and assessments of the burgh or the succeeding council thereof, without prejudice nevertheless to the personal liability and responsibility of the persons by whom the same may have been made or entered into.

No debt to be contracted, unless by resolution of council or committee.
[3 Geo. 4. c. 91. s. 11.]

Miscellaneous.

- 20 107. Where any trust, management, or direction is, by the terms of any public or local Act, or of any charter or deed of foundation or other deed, conferred or imposed on any members of a council either under the denomination of old provost, old bailie, old dean of guild, or of merchants or trades bailies, or merchants or trades councillors
25 respectively, or under any other denomination, or upon any particular members of a council, or magistrates or office bearers, the town council shall, from time to time, nominate and elect from their own body such a number of persons to be such trustees, managers, or directors as are by such Acts, charters, or deeds
30 appointed to those offices under the said denominations, and the whole powers and functions belonging to the said offices of trustees, managers, or directors shall belong to and be as fully vested in the persons so elected as if they had possessed the denominations used in the said Acts, charters, or deeds.
- 35 108. Nothing herein contained shall be held or construed to impair the right of any craft, trade, convenery of trades, or guildry, or merchants house or trades house, or other such corporation, severally to elect their own deacons or deacon convener, or dean of guild or directors, or other lawful officers, for the management of
40 the affairs of such craft, trades, conveneries of trades, or guildries, merchants or trades houses, or other such corporations; but, on

Election of trustees under certain Acts, charters, &c.
[3 & 4 W. 4. c. 76. s. 20.]

Right of election of deacon convener, &c. reserved.
[3 & 4 W. 4. c. 76. s. 21.]

A.D. 1900. the contrary, the said several bodies shall be in all cases entitled to the free election, in such form as shall be regulated by them, of the said several office bearers, and other necessary officers for the management of their affairs, without any interference or control whatsoever on the part of the town council or any member thereof. 5

Dean of
guild and
deacon con-
vener, &c.
of certain
burghs to be
members of
council, &c.
[3 & 4 W. 4.
c. 76. s. 22.]

109. The persons elected, or to be elected, to the offices of dean of guild and deacon convener or convener of trades, by the convenery and guild brethren respectively in the city of Edinburgh, and to the offices of dean of guild and deacon convener by the merchants house and trades house respectively in the city of Glasgow, shall, 10 in virtue of their said elections by the said guild brethren, convenery, merchants house, and trades house respectively, be constituent members of the town councils of the said cities, and shall enjoy all the powers and perform all the functions now enjoyed or performed by such office bearers in these cities; and in like 15 manner the persons elected, or to be elected to the offices of deans of guild by the several guildries of the cities of Aberdeen, Dundee, and Perth shall, in virtue of such their elections, be constituent members of the town councils of the said cities respectively, and shall as such enjoy all the powers and perform all the functions 20 now exercised or enjoyed by the existing deans of guild in the said cities respectively; but the provisions hereof as to qualification, retirement, and election of councillors shall not be applicable to such persons, and in computing the number or the one third of the town council for any purpose under this Act, the said persons shall not 25 be reckoned as councillors. Nothing in this Act shall affect the rights, powers, and jurisdiction of any dean of guild, or dean of guild court, as existing prior to the commencement of this Act in any burgh.

Councils of
Anstruther
Wester,
Earlsferry,
Lauder, and
North
Berwick.

110. Notwithstanding anything herein contained, the councils of 30 the burghs of Anstruther Wester, Earlsferry, Lauder, and North Berwick, shall, unless and until altered under section twelve hereof, consist of nine members, including the magistrates, and the magistrates of said burghs shall, unless and until altered as aforesaid, consist of a provost and two bailies. 35

Trusts vested
in deacons,
&c.
[3 & 4 W. 4.
c. 76. s. 23.]

111. Where any trust, management, or direction of any charitable or other institutions is vested in any number of deacons, or in a deacon convener, or convener of trades, or in any dean of guild, or other office bearers elected, or hereafter to be elected by the several crafts, trades, guildries, or merchants or trades houses, then and in 40 all such cases the persons so elected as such deacons, conveners, deans of guild, or other officers shall always be and continue

trustees and managers of such charities or institutions, whether such persons shall hereafter be members of council or not; and the town councils shall in no such case have power to elect from their own body any other trustees or managers in place of such
 5 deacons, conveners, deans of guild, or other officers: Provided always, that in any burgh in which trades councillors or merchant councillors are or may be ex-officio trustees or directors of any such institutions or charities, the convenery or trades house and the guildry or merchants house in such burghs shall elect an equal
 10 number from their own bodies respectively to be such trustees or directors, anything herein contained to the contrary notwithstanding.

112. It shall be lawful for the magistrates and council of any royal burgh, and they are hereby authorised and empowered to
 15 admit any elector in the burgh to the status of a burgess thereof, and that by a minute of the council thereof, and on payment of such entry money, not exceeding in any case the sum of one pound, as the council of the burgh may from time to time fix, which entry money shall be accounted part of the common good of
 20 the burgh and be applied accordingly, or to admit any person whatever as an honorary burgess without payment of entry money: Provided always that such admission by minute of council shall not, per se, be held to give or imply any right or title to or interest in the properties, funds, or revenues of any of the guilds,
 25 crafts, or incorporations of the burgh, or any mortification or benefactions for behoof of the burgesses of such guilds, crafts, or incorporations, or of their families, or any right of management thereof, or any membership in any of the said guilds, crafts, or incorporations.

30 113. Every person in Scotland of full age, liable to be rated the relief of the poor, who at the term of Whitsunday one thousand nine hundred, or any succeeding term of Whitsunday in any year, shall have occupied any house, warehouse, counting-house, shop, or other building within any burgh in which
 35 there are burgesses, during the whole of that year and the whole of the two preceding years, and who, during the time of such occupation, shall have been an inhabitant householder within the said burgh, and who shall have been rated in respect of such premises so occupied within the burgh to all rates made for relief of the poor
 40 of the parish wherein such premises are situated during the time of his occupation as aforesaid, and who shall have paid, on or before the last term of Whitsunday as aforesaid, all such rates, togeth

A.D. 1900.

Admission of
 burgesses by
 minute of
 council.
 [23 & 24
 Vict. c. 47.
 s. 2.]

qualification
 of burgesses.
 [39 Vict.
 c. 12. s. 1.]

A.D. 1900. — with all burgh rates, if any, as shall have become payable in respect of such premises, except such as shall have become payable within six calendar months next before the said last term of Whitsunday shall be, subject to the conditions herein-after contained, a burghess of such burgh, so long as such person shall occupy premises; and be 5 rated and pay rates in manner aforesaid within the same: Provided that the premises in respect of the occupation of which any person shall have been so rated need not be the same premises or in the same parish, but may be different premises in the same parish or different parishes: Provided also, that no person being an alien, 10 and no person who, within twelve calendar months next before the last term of Whitsunday, shall have received parochial relief or any pension or charitable allowance from the town council revenues of such burgh, or from any corporate body within the same, shall by virtue of this Act be held to be a burghess of such burgh so long as 15 he continues to receive such pension or charitable allowance: Provided further, that no person shall be disqualified from being a burghess as aforesaid by reason that any child of such person shall have been admitted and taught within any endowed school.

Saving of existing laws and usages as to admission of burghesses.
[39 Vict.
c. 12. s. 2.]

114. Nothing herein contained shall interfere with any law or 20 legal usage by which burghesses are now created or admitted in any burgh, or give or imply any right or title to or interest in any merchants house or trades house or any patrimonial lands, common or other properties, funds, or revenues of any of the guilds, burghesses of guild, crafts, or incorporations of the burgh, or to or in any burghess 25 acres, or any grazing rights connected therewith, or any mortifications or benefactions for behoof of the members of such guild, burghesses of guilds, crafts, or incorporations, or of their families, or any right or management thereof, or any membership in any of the said guilds, burghesses of guild, crafts, or incorporations, or of such burghess 30 acres: Provided that the widows and children of burghesses admitted under this Act, or any of the Acts hereby repealed, and who may die during the period of their burghess-ship, shall have and enjoy all the rights and privileges which the widows and children of burghesses created or admitted in any other manner now enjoy by 35 the law and practice of Scotland.

Rate in lieu of petty customs.
[39 Vict.
c. 12. s. 3.]

115. Whereas the effect of the Acts hereby repealed, or some of them, has been to reduce the produce of the petty customs or duties leviable in certain burghs; Be it enacted that in the event of the 40 magistrates and council of such burgh resolving, in terms of the Act passed in the thirty-third and thirty-fourth years of the reign of Her Majesty, chapter forty-two, to abolish such petty customs

and duties, and in lieu thereof to levy, by way of assessment, a rate or rates not exceeding the rate or rates mentioned in the said Act, calculated to yield in the whole in the year an amount equal to the nett yearly amount of such petty customs, it shall be lawful to
 5 calculate such nett yearly amount with reference to the produce of the petty customs or duties levied in such burgh in the year ending Whitsunday one thousand eight hundred and seventy-six.

A.D. 1900.

116. Where in any burgh any of the matters dealt with by this Act are provided for or regulated in whole or in part by any local
 10 Act, it shall be in the power of the town council by resolution passed within six months after the commencement of this Act to declare that all or any of the provisions of any such local Act shall notwithstanding the provisions of this Act remain in force, and also that the whole or any portion specified in such resolution, of this
 15 Act, shall not be applicable to such burgh. Except in so far as is provided by such resolution, this Act shall supersede, as regards the matters with which it deals, and come in place of all such local Acts, and the same so far as regards such matters are hereby repealed. Any resolution passed under this clause shall be recorded
 20 in terms of section one hundred and eighteen hereof and shall take effect from the date of such recording.

Repeal of local Acts and saving in certain cases.

117. Wherever it has, from a failure to observe any of the provisions of this Act or any other Act, or from any other cause, become impossible to proceed with the execution of this Act or any
 25 part thereof, or wherever difficulty or dubiety exists as to the procedure to be followed in any case, or where any case arises in connexion with the election of councillors or magistrates not provided for by this Act, it shall be lawful for the town council or any seven electors or householders within the burgh, or for the
 30 returning officer at any election, or the town clerk, to present a petition in manner provided by section seventeen of the Burgh Police (Scotland) Act, 1892, and the same procedure shall follow upon said petition, and the court to whom the same is presented shall have the same powers, as is provided by the said section in
 35 regard to applications presented thereunder.

Application to court in cases of difficulty. [Burgh Police Act, s. 17.]

118. Where any application under this Act falling to be made to the sheriff is dealt with in the first instance by the sheriff-substitute, there shall be an appeal to the sheriff, but, subject thereto, the decision of the sheriff or sheriff-substitute shall in all
 40 cases (except where otherwise provided) be final. Where a burgh is situated in more counties than one, any application under this

Applications to the sheriff. [Burgh Police Act, ss. 13, &c.]

[36.]

E

A.D: 1900. — Act shall be presented to the sheriffs of the counties in which the burgh is situated, and shall be dealt with in manner provided by the Burgh Police (Scotland) Act, 1892, with regard to applications under that Act presented to two or more sheriffs, and in the event of the sheriffs differing in opinion the matter shall be dealt with in manner provided by that Act. All deliverances pronounced by any sheriff or sheriffs or the Court of Session under this Act shall be recorded in the sheriff court books of the county, and in the books, if any, of the burgh to which they apply. 5

Misnomers,
&c. not to
affect valid-
ity of pro-
ceedings.
[3 & 4 W. 4.
c. 76. s. 35.]

119. No misnomer, inaccurate description of any person or place, 10
omission, mistake, or informality in any writing made in, or as
nearly as may be in, the form of any schedule to this Act annexed,
or in any list, register, or notice, or other writing made under the
authority of this Act, shall in any way prevent or abridge the
operation of this Act, or the validity of any election or other 15
proceeding thereunder, provided that any person or place mentioned
shall be so designated as to be commonly understood, and such
omission, mistake, or informality be not such as to defeat the object
of such writing, or cause substantial injustice to any person affected
thereby. 20

SCHEDULES to which this Act refers.

A.D. 1900.

SCHEDULE I.

ENACTMENTS REPEALED.

Session and Chapter.	Title of Act.	Extent of Repeal.
5 3 Geo. 4. c. 91. -	An Act for regulating the mode of accounting for the common good and revenues of the Royal burghs of Scotland.	The whole Act.
10 3 & 4 Will. 4. c. 76. -	An Act to alter and amend the laws for the election of magistrates and councillors of the Royal burghs in Scotland.	The whole Act.
15 3 & 4 Will. 4. c. 77. -	An Act to provide for the appointment and election of magistrates and councillors for the several burghs and towns of Scotland which are now returning or contributing to return members to Parliament, and are not Royal burghs.	The whole Act.
20 15 & 16 Vict. c. 32. -	An Act to alter and amend certain provisions in the laws relating to the number and election of magistrates and councillors in the burghs in Scotland.	The whole Act.
25 19 & 20 Vict. c. 58. -	An Act to amend the law for the registration of persons entitled to vote in the election of members to serve in Parliament for burghs in Scotland.	Clause 32.
30 23 & 24 Vict. c. 47. -	An Act to smend the law relative to the legal qualifications of councillors, and the admission of burgesses in Royal burghs in Scotland.	The whole Act.
35 24 & 25 Vict. c. 36. -	An Act to amend the boundaries of Burghs Extension (Scotland) Act.	The whole Act.

A.D. 1900.

Session and Chapter.	Title of Act.	Extent of Repeal.	
31 & 32 Vict. c. 108. -	The Municipal Elections Amendment (Scotland) Act, 1868.	The whole Act.	
33 & 34 Vict. c. 92. -	The Municipal Elections Amendment (Scotland) Act, 1870.	The whole Act.	5
35 & 36 Vict. c. 33. -	The Ballot Act, 1872	Subsection (2) of clause twenty-two.	
39 Vict. c. 12. -	An Act to assimilate the law of Scotland to that of England respecting the creation of burghs.	The whole Act.	10
39 & 40 Vict. c. 25. -	An Act to amend the law of Scotland in regard to the division of burghs into wards.	The whole Act.	
44 Vict. c. 13. -	The Municipal Elections Amendment (Scotland) Act, 1881.	The whole Act.	15
48 Vict. c. 10 -	The Municipal Voters Relief Act, 1885.	The whole Act as regards Scotland.	
55 & 56 Vict. c. 55. -	The Burgh Police (Scotland) Act, 1892.	Clause eleven, from the words "And where not divided," to the word "Re-arrangement" inclusive, and the words "and wards," wherever they occur, clause twelve, clause twenty-four, clauses twenty-eight to forty-one inclusive, clause forty-four, clauses fifty to fifty-four inclusive, clause fifty-five sub-section (2), clauses sixty-one to seventy-two inclusive, Schedule IX.	20 25 30 35
57 & 58 Vict. c. 18. -	The Burgh Police (Scotland) Act, 1892, Amendment Act, 1894.	The whole Act.	40
57 & 58 Vict. c. 58. -	The Local Government (Scotland) Act, 1894.	The word "municipal" where it occurs in clause eleven.	

SCHEDULE II.

A.D. 1900.

[Burgh Police
Act, s. 29.]

NUMBER OF MAGISTRATES AND COUNCILLORS.

5	Population of Burgh.	Number of Coun- cillors, including Magistrates.	Number of Magistrates, including Provost.
	Under 10,000 - - -	9	3
	Between 10,000 and 20,000 - - -	12	5
	Between 20,000 and 50,000 - - -	15	5
	Between 50,000 and 100,000 - - -	18	7
10	100,000 and upwards - - -	24	7

The sheriff may, where the population is less than 20,000, fix the number of councillors at 12 or 15, and where the population is between 50,000 and 100,000, at 21 or 24, if he thinks fit so to do.

SCHEDULE III.

15 FORMS OF NOTICE OF ELECTION.

(1.) *Form applicable to a Burgh not divided into Wards.*

Burgh of

Municipal election, 19 .

In terms of the Municipal (Scotland) Act, 1900, notice is hereby given

20 1. That the annual election of councillors to supply the vacant places in the town council of the burgh, will, in the event of there being a poll, take place on Tuesday the day of November next, between the hours of 8 o'clock forenoon and 8 o'clock afternoon, at the places following, viz. :—

[Here specify the polling place or places.]

25 to elect councillors in the place of

[Here mention names of councillors retiring, and cause of retiral, whether by rotation or as having been elected ad interim, or otherwise.]

2. That no person can be elected to the office of councillor whose name is
30 not intimated to me between 10 o'clock forenoon and 4 o'clock afternoon on

[36.]

F 2

A.D. 1900. Monday or Tuesday the _____ days of October next, and that all intimations must be delivered at my office situated at

[Here specify address of office.]

3. That every person proposed for election as a councillor must be nominated by a separate nomination paper in the terms of Schedule IV. of the said Act, 5 and every such nomination paper must be signed by two electors whose names appear on the municipal register, and must contain an assent thereto, signed by five such electors, and the written consent of the nominee, or a law agent duly authorised by him.

4. That in the event of the number of persons so nominated, and not 10 subsequently withdrawn, not exceeding the number of vacancies, there will be no poll, and the persons so nominated will, on the day appointed for declaring the election, be declared duly elected as councillors.

5. That copies of the municipal register and forms of nomination papers may be had at my office above mentioned, on and after the 21st October 15 current.

A. B., Town Clerk.
[Date.]

(2.) Form applicable to a Burgh divided into Wards.

Burgh of

20

Municipal election, 19 .

In terms of the Municipal (Scotland) Act, 1900, notice is hereby given

1. That the annual election of councillors to supply the vacant places in the town council of the burgh will, in the event of there being a poll, take place on Tuesday, the _____ day of November next, between the hours of 25 eight o'clock forenoon and eight o'clock afternoon, at the places after-mentioned.

First ward.

Polling place—[here specify polling place or places].

To elect _____ councillors in place of

30

[Here mention names of councillors retiring, and cause of retiral, whether by rotation or as having been elected ad interim, or otherwise.]

Second ward.

[As above, and so on through the whole number of wards.]

35

2. That no person can be elected to the office of councillor whose name is not intimated to me between ten o'clock forenoon and four o'clock afternoon on Monday or Tuesday, the _____ days of October next, and that all intimations must be delivered at my office situated at [here specify address of office].

40

3. That every person proposed for election as a councillor must be nominated by a separate nomination paper in the terms of Schedule IV. of the said Act, and every such nomination paper must be signed by two electors of the ward to which the same applies, whose names appear on the municipal list, and must contain an assent thereto signed by five such electors, and the written consent of the nominee or a law agent duly authorised by him.

A.D. 1900.

4. That in the event of the number of persons so nominated in any of the wards, and not subsequently withdrawn, not exceeding the number of vacancies, there will be no poll in such ward, and the persons so nominated will, on the day appointed for declaring the election, be declared duly elected as councillors.

5. That copies of the municipal list and forms of nomination papers may be had at my office above mentioned, on or after the 21st October current.

15

A.B., Town Clerk.

[Date.]

SCHEDULE IV.

FORM OF NOMINATION PAPER AND ASSENT.

We, A. B. [*here insert name and place of abode as in the municipal register*] and C. D. [*here insert name and place of abode as aforesaid*], hereby propose and nominate E. F. [*here insert name and place of abode as aforesaid*] for election as a councillor [*when the burgh is divided into wards add here,—for the ward,—specifying ward*] at the next ensuing municipal election in the burgh of [*specify burgh*].

[Burgh Police Act. Sched. IX.]

Given under our hand this [*insert date*].

A. B.

C. D.

We, the undersigned, being registered municipal electors of the burgh of [*when the burgh is divided into wards add here—for the ward,—specifying ward*], do hereby assent to the nomination of the said E. F. as councillor, as above mentioned.

G. H., of }
I. J., of }
K. L., of } [*Insert place of abode as*
M. N., of } [*in municipal register.*]
O. P. of }

I, the nominee for election, consent.

E. F.

To the town clerk of

A.D. 1900.

[Burgh Police
Act, Sched. X.]

SCHEDULE V.

FORM OF WITHDRAWAL PAPER.

The nomination of *E. F.* [*here insert name and place of abode of candidate as in the municipal register*] for election as a councillor [*when the burgh is divided into wards add here—for* *ward—specifying ward*] at 5 the next ensuing municipal election in the burgh of [*specifying burgh*] is hereby withdrawn.

Given under our hand, this [*insert date*].

To the town clerk of

SCHEDULE VI.

10

FORM OF NOTICE OF CANDIDATES NOMINATED.

Burgh of

[31 & 32 Vict
c. 108. Sched.
C.]

In terms of the Municipal (Scotland) Act, 1900, I hereby give notice that I have received intimation that the following persons are proposed for election as councillors in this burgh at the municipal election on Tuesday 15 next.

Ward.	Name of Candidate.	Place of Abode of Candidate.	Names of Proposers.	Place of Abode of Proposers.
I.				
II.				
III.				

20

[*In case of withdrawal*] And I further give notice that I have received before four o'clock afternoon of Thursday last, a notice of withdrawal of the candidature of the said [*here insert name of candidate withdrawn*], signed by [*here insert names of persons signing*].

25

[In case of the number of persons nominated not exceeding the vacancies in any ward] And I further give notice that in respect the number of persons proposed and not withdrawn for election as councillors in the [specify number] ward does not exceed the number of vacancies to be supplied in the said ward, there will be no poll in that ward, and the persons so proposed will, on the day appointed for declaring the election, be declared to be elected councillors of the burgh.

A D. 1900.

A. B., Town Clerk.
[Date.]

Town Councils (Scotland).

A

B I L L

To consolidate and amend the Law relating
to the Election and Proceedings of Town
Councils in Scotland.

*(Prepared and brought in by
Mr. Asher, Sir Herbert Maxwell, Mr. Thomas Shaw,
Dr. Clark, Mr. Parker Smith, Mr. Cross, and
Mr. Dewar.)*

*Ordered, by The House of Commons, to be Printed,
2 February 1900.*

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[Price 5½d.]

[Bill 36.]

Town Councils (Scotland) Bill.

[AS AMENDED BY THE STANDING COMMITTEE ON LAW, &c.]

MEMORANDUM.

1. The election of town councillors of burghs in Scotland is regulated by a series of statutes, commencing in 1833, which stand greatly in need of consolidation.

2. Various cases which arise in the course of the retirement and re-election of councillors are not provided for by these Acts, and there are various points in which amendment is desirable.

3. By the Burgh Police (Scotland) Act, 1892, the functions of police commissioners were vested in the town council, and all separate jurisdictions possessed by police commissioners or other bodies were abolished, and by that and previous Acts the mode of election of the commissioners of police burghs was assimilated to that of the town council in Royal burghs. While this is so—

- (1) In Royal burghs certain distinctions still exist between the mode of dealing with matters under the ordinary jurisdiction of the town council and those under their jurisdiction as commissioners ;
- (2) As between Royal and parliamentary burghs and police burghs there still exist certain differences in the election arrangements, as, for example, in the mode of making up the municipal roll of electors ;
- (3) While the Burgh Police Act lays down certain rules for the conduct of the business of commissioners, there are no statutory rules for the conduct of the general business of town councils, and there is inconvenience in having a part of the business of the town council carried on under specific rules, and another part either unregulated or carried on under different rules.

The objects of the present Bill are—

1. To consolidate, and in various matters of detail to amend, the existing law relating to the election of town councils and commissioners of police.
2. To apply to Royal and parliamentary burghs the provisions for altering the number and boundaries of wards made with reference to police burghs in the Burgh Police Act.

[Bill 265.] +

a

3. To provide that, with certain additions, the parliamentary register shall be sufficient for municipal purposes, and thus obviate the necessity of making up a separate municipal register.
4. To assimilate the municipal and police boundaries of all burghs.
5. To assimilate the law in regard to the minutes and proceedings of town councils and of police commissioners, by making applicable to town councils, with slight alteration, the provisions contained in the Burgh Police Act.
6. To assimilate the law applicable to Royal burghs and police burghs in regard to the appointment of officers.
7. To abolish the present system under which, in Royal burghs, the accounts of the town council relating to matters falling under the Police Act and those relating to other matters have to be made up and audited at different times and in different ways, and to provide for the whole accounts being dealt with at the same time and in the same manner.
8. To provide that the governing body of police burghs shall in future be designated the town council, and the individual commissioners, councillors, and that their officials shall have the same names as in Royal and parliamentary burghs.

The Bill has been framed to meet the general case of a burgh subject only to the public Acts, but there may be cases where, by special Act, the provisions of the public Acts have been modified, and which may require to be dealt with by special clauses. It may also be necessary to make special provision for the case of the larger cities and burghs, to which some of the clauses as framed may be unsuitable.

Town Councils (Scotland) Bill.

[AS AMENDED BY THE STANDING COMMITTEE ON LAW, &c.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title and extent.
2. Commencement of Act.
3. Enactments repealed.
4. Definitions.

Constitution and Government of Burghs.

5. Corporate name and common seal.
6. Designation of Lord Provost.
7. Town council to administer affairs of burgh.
8. Powers, &c. of local authorities to be vested in town council.
9. Service of writs, execution of deeds, and form of title to lands.

Number and Qualification of Councillors.

10. Number of magistrates and councillors.
11. Alteration of number.
12. Persons eligible as councillors.
13. Disqualifications of councillors.
14. Election of disqualified person.
15. Councillors not to hold offices of profit.
16. Councillors not to be liable for debts of burgh.

Division into Wards and Polling Districts.

17. Number of councillors in each ward.
18. Existing number of wards and councillors to remain until altered.
19. Division or re-division into wards.
20. Ward boundaries to have effect for parliamentary purposes.
21. First division of burgh into wards.

[Bill 265.] +

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Clause.

22. Polling districts.

Constituency.

23. Qualification of electors.

Municipal Register.

24. Register in burghs returning members to Parliament.
25. Register in burghs where parliamentary boundary extends beyond municipal boundary.
26. Register in burghs not returning members to Parliament.
27. Supplementary list.
28. Disqualification from failure to pay burgh rates.
29. Procedure in Registration Acts to apply to excerpt, &c.
30. Register in burghs within parliamentary boundaries of another burgh.
31. Assessors to observe provisions of Local Government (Scotland) Act, 1894.
32. Register to be evidence, and term in force.

Retirement of Councillors and filling up of Vacancies.

33. Present council to continue in office.
34. One third of council to retire yearly.
35. Councillors longest in office to retire.
36. Casual vacancies.
37. Term of office of interim councillor.
38. Councillors may resign office.
39. When vacancy not to be filled up ad interim.
40. Leave of absence to councillor.

Procedure at Elections.

41. Mode of election and voting.
42. Notice of vacancies, and dates of nomination and election.
43. Nomination of candidates.
44. Signatures to nomination paper.
45. Withdrawal of nomination.
46. Notice of candidates nominated.
47. Nomination of disqualified person.
48. Number of candidates not exceeding vacancies.

Clause.

- 49. Poll in contested elections.
- 50. Returning officer.
- 51. Town clerk to be returning officer in certain cases.
- 52. Declaration of election.
- 53. Notice to councillors of their election.
- 54. Oath or declaration unnecessary.
- 55. Returning officer to have casting vote.

Election of Magistrates, &c.

- 56. Election of provost and bailies.
- 57. Bailie to hold office till expiry of term as a councillor.
- 58. Meeting for electing magistrates.
- 59. Failing to hold meeting on statutory day.
- 60. First meeting in new burghs.
- 61. Acting chief magistrate in absence of provost.
- 62. Appointment of councillors to act as judges of police.
- 63. Resignation of magistrate.
- 64. Casual vacancies among magistrates.
- 65. Irregularity or nullity not to effect election of other councillors or magistrates.
- 66. Election where burgh has no legal council.
- 67. Expense of making up municipal register, &c.

Minutes and Proceedings of Council.

- 68. Meetings of council.
- 69. Special meetings.
- 70. Special urgency.
- 71. Quorum.
- 72. Adjournment.
- 73. Chairman of meetings.
- 74. Committees.
- 75. Omission to send notice not to invalidate proceedings.
- 76. Minute books.
- 77. Standing orders.

Clause.

Officers of Council.

78. Appointment of town clerk.
79. Remuneration for additional duties.
80. Town clerk depute.
81. Town clerk not to practice in police court.
82. Rights of present officers reserved.
88. Existing clerks or police, &c. may be retained.
84. Treasurer and collector.
85. Treasurer or collector to lodge money in bank.
86. Clerk and treasurer not to be same person.
87. Town clerk may be treasurer in burghs of 5,000.
88. Defalcations of treasurer or collector how to be chargeable.
89. Other officers.
90. Honorary treasurer.

Accounts and Corporate Property.

91. Books of account.
92. Yearly account to be made out.
93. Account to exhibit a complete state of affairs.
94. Account to be laid before meeting of council.
95. Appointment of auditor.
96. Accounts, &c. to be delivered to auditor.
97. Accounts of charity under management of town council.
98. All alienations of heritable property to be by public roup.
99. No debt to be contracted unless by resolution of council or committee.

Miscellaneous.

100. Election of trustees under certain Acts, charters, &c.
101. Right of election of deacon convener, &c. reserved
102. Dean of guild and deacon convener, &c. of certain burghs to be members of council, &c.
103. Councils of Anstruther Wester, Earlsferry, Lauder, and North Berwick.
104. Trusts vested in deacons, &c.
105. Admission of burgesses by minute of council.

Clause.

- 106. Qualification of burgesses.
 - 107. Saving of existing laws and usages as to admission of burgesses.
 - 108. Rate in lieu of petty customs.
 - 109. Saving of local Acts, &c.
 - 110. Boundaries of Royal Burghs for purposes of the Valuation Acts.
 - 111. Notice to Board of Agriculture.
 - 112. Special provisions for City and Royal Burgh of Edinburgh.
 - 113. Application to court in cases of difficulty.
 - 114. Applications to the sheriff.
 - 115. Misnomers, &c. not to affect validity of proceedings.
- SCHEDULES.
-

A

B I L L

[AS AMENDED BY THE STANDING COMMITTEE ON LAW, &c.]

TO

Consolidate and amend the Law relating to the Election and Proceedings of Town Councils in Scotland. A.D. 1900. — 1

WHEREAS it is expedient to consolidate and amend the law relating to the election and proceedings of town councils in Scotland :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Town Councils (Scotland) Act, 1900, and shall apply to Scotland only. Short title and extent.

10 2. This Act shall commence and have effect from and after the thirty-first day of December in the year one thousand nine hundred. Commence-ment of Act.

3. The enactments specified in the First Schedule are hereby repealed. Enactments repealed.

15 4. The following words and expressions in this Act shall have the meanings assigned to them, unless there be something in the subject or context repugnant to such construction; that is to say:— Definitions.

20 (1.) "Acting chief magistrate" shall mean any bailie acting under section sixty.

(2.) "Assessor" shall mean the assessor acting under the Registration Acts.

25 (3.) "Burgh" shall include royal burgh, parliamentary burgh, burgh incorporated by Act of Parliament, burgh of regality, burgh of barony, and police burgh, whether existing at the commencement of this Act or thereafter constituted.

(4.) "Burgh rate" shall mean any rate or assessment imposed by the town council, but shall not include private improvement expenses.

[Bill 265.] +

A

A.D. 1900.

- (5.) "Common seal" shall mean the common seal of a burgh or the council thereof.
- (6.) "Council" shall mean the town council.
- (7.) "Electors" shall mean the persons to whom the right of electing town councillors belongs. 5
- (8.) "Existing" shall mean existing immediately prior to the commencement of this Act.
- (9.) "Magistrate" shall include lord provost, provost, and bailie.
- (10.) "Municipal boundary" (a) in the case of a royal burgh, parliamentary burgh, or burgh incorporated by Act of 10 Parliament, shall mean the existing boundaries for the purpose of voting for town councillors; (b) in the case of any other burgh, shall mean the boundary of the burgh as fixed under the provisions of the Burgh Police (Scotland) Act, 1892, or of any Act thereby repealed; and (c) in all cases shall include 15 any extension of such boundary, and be subject to any contraction thereof effected under this or any other Act.
- (11.) "Municipal register" shall mean the register of persons entitled to vote in the election of town councillors.
- (12.) "Police burgh" shall have the same meaning as in the 20 Burgh Police (Scotland) Act, 1892.
- (13.) "Police purposes" shall mean the purposes of the Burgh Police (Scotland) Act, 1892, the Public Health (Scotland) Act, 1897, and any Acts explaining or amending the same, and also of all local Acts conferring powers or imposing duties 25 on the town council, commissioners, or magistrates of any burgh.
- (14.) "Provost" shall include "lord provost."
- (15.) "Registration Acts" shall have the same meaning as in section eight of the Representation of the People Act, 1884. 30
- (16.) "Registration court" shall mean and include the registration court and the court of appeal under the registration Acts.
- (17.) "Senior bailie" or "senior magistrate" shall mean the bailie who has been longest in office since his last election as 35 such.
- (18.) "Supplementary list" shall mean the list mentioned in section twenty-seven.

Constitution and Government of Burghs.

Corporate
name and
common seal.
[Burgh
Police Act,
s. 55 (2).]

5. A town council shall be elected for every burgh under the 40 provisions of this Act and shall be designated by the corporate name of "the provost, magistrates, and councillors" of the burgh,

and the common seal shall be used and adhibited under their authority and subject to their directions. The town council of a police burgh shall be a body corporate with a common seal. A.D. 1900.

6. In the case of burghs in which the provost is or may hereafter become entitled to the designation of "lord provost," or the corporate designation of the town council shall be the "lord provost, magistrates, and councillors" of the burgh. Designation of lord provost.

7. Subject to the provisions of this Act, the town council shall have the administration of the whole affairs and property of the burgh, and the council and magistrates of each existing burgh shall have such and the like rights, powers, authorities, and jurisdiction as were possessed by the council or commissioners and magistrates of such burgh according to the existing law. The council and magistrates of a police burgh constituted after the commencement of this Act shall have such and the like rights, powers, authorities, and jurisdictions as shall be possessed by the council and magistrates of police burghs in Scotland under the law for the time being. Town-council to administer affairs of burgh. [3 & 4 W. IV. c. 76. s. 31.] [Burgh Police Act, s. 38.]

8. The whole powers, rights, duties, and authorities possessed within the burgh by commissioners under the Burgh Police (Scotland) Act, 1892, or by any body of police, gas or water commissioners, consisting exclusively of members of the town council, or any local authority under the Public Health (Scotland) Act, 1897, and the whole lands, works, and other assets vested in them shall, in so far as this has not already been effected, be transferred to and vested in the town council, and all bonds and other deeds granted by such commissioners or local authority shall be binding on the town council, and every reference in any Act of Parliament, scheme, deed, or instrument to such commissioners or local authority shall, after the commencement of this Act, be read and construed as referring to the town council; and, except in so far as is by this Act otherwise directed, or as the town council may otherwise resolve, it shall not be necessary to hold separate or special meetings for the transaction of business arising out of the powers hereby transferred, or to keep separate minute books therefor. Powers, &c. of local authorities to be vested in town council.

9. The town council shall sue and be sued in their corporate name, and service on them of all legal processes and notices shall be effected by service on the town clerk. The title to all lands acquired by the town council shall be taken in their corporate name, and all deeds, contracts, and writs of importance requiring to be executed by the town council shall be granted in their corporate Service of writs, execution of deeds, and form of title to lands. [Burgh Police Act, s. 55 (2).]

[265.]

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A.D. 1900. name, and shall be signed at a meeting of the council by the provost or other magistrate or councillor presiding, and the town clerk either with or without the common seal being adhibited.

Number and Qualification of Councillors.

Number of magistrates and councillors. [Burgh Police Act, s. 29, and Amendment Act, 1894.]

10. The number of magistrates and councillors to be elected in each burgh shall, unless and until altered under this Act, remain the same as under the existing law. In burghs created after the commencement of this Act, the numbers shall be in accordance with the scale specified in Schedule II.

Alteration of number. [Burgh Police Act, ss. 24 and 29.]

11. Where the number of magistrates or councillors in any burgh under the existing law differs from the scale specified in Schedule II., or where, by alteration in population in any burgh, the number at any time hereafter comes to differ therefrom, it shall be competent for the town council, if they deem it proper, to present a petition to the sheriff praying him to exercise his powers under this section, and upon consideration of such petition, and after such advertisement and inquiry as he shall deem proper, the sheriff shall—

- (1.) Ascertain and declare, for the purposes of this Act, the number of the population of the burgh. 20
- (2.) Declare that the number of magistrates and councillors shall be increased or diminished, so as to make it conform to the scale specified in Schedule II.
- (3.) Determine when, and in what manner, the increase or decrease in the number of magistrates and councillors shall be effected in the burgh, and in the different wards thereof. 25
- (4.) Determine when and in what order the whole magistrates and councillors, as increased or decreased in number, shall vacate office.
- (5.) Determine all questions that may arise in connexion with such increase or decrease, and pronounce any order which he may find expedient for effecting the same, or for obviating any difficulty which may prevent the due carrying out thereof, a copy of every determination under this section shall be forthwith communicated to the Secretary for Scotland by the town clerk of the burgh. 35

Persons eligible as councillors. [3 & 4 W. 4. c. 76. s. 8, 31 & 32 Vict. c. 108. s. 2.]

12. Any male elector in the burgh who is not subject to any of the disqualifications after-mentioned shall be eligible as a councillor.

13. A person shall be disqualified for being nominated or elected, and for being or continuing a councillor, if and while he— A.D. 1900.

- (1.) Is not an elector, or does not appear as such on the municipal register. Disqualifications of councillors.
[3 & 4 W. 4.
c. 76. s. 8; 31 & 32
Vict. c. 108. s. 3.]
[Burgh Police
Act, s. 51.]
- 5 (2.) Being a councillor, fails to attend any meetings of the council for a period of six consecutive months without leave of absence from the council.
- (3.) Is an adjudged bankrupt within the meaning of the Bankruptcy Frauds and Disabilities (Scotland) Act, 1884, whose
- 10 disqualification has not been removed in manner provided by that Act.
- (4.) Holds any office or place of profit in the gift or disposal of the council. [Burgh
Police Act,
s. 71.]
- 15 (5.) Has, directly or indirectly by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of the council, provided that a person shall not be so disqualified or be deemed to have any share or interest in such a contract or employment by reason only of his having any share or interest in— [Burgh
Police Act,
s. 71.]
[cf. English
Municipal
Corporation
Act, 1882,
s. 12.]
- 20 (a) any lease, feu, sale, or purchase of land, or any agreement for the same;
- (b) any agreement for the loan of money, or any security for the payment of money only;
- 25 (c) any newspaper in which any advertisement relating to the affairs of the burgh or council is inserted;
- (d) any company which contracts with the council for lighting, or supplying with water, or insuring against fire, any part of the burgh, or any property of the town council, or insuring persons in the employment of the
- 30 town council against accident, or
- (e) any railway company or any company incorporated by Act of Parliament or Royal Charter, or under the Companies' Acts.

14. In the event of any disqualified person being elected a councillor, or in the event of any councillor, after being duly elected, coming under any of the disqualifications specified in section twelve hereof, his office shall, nevertheless, not be vacated, and he shall not be prevented from voting and acting as a councillor until he voluntarily resigns or his disqualification has been determined by an election court under and within the meaning of the Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890, on a petition presented within the time specified by said Act, by the

35 Election of
disqualified
person.
[16 Vict.
c. 26. s. 6.]

40

A.D. 1900. town council or by any four or more electors, or, in the case of disqualification alleged to exist at the time of nomination or election, by any candidate opposing him at the election, and the provisions of the last-mentioned Act shall be held to apply to the said petition and procedure thereon, provided that in the case of any continuing disqualification it shall be competent to present such petition at any time while the disqualification subsists. Provided also that if in the opinion of the election court any disqualified person has in the knowledge of his disqualification made an oath or declaration de fidei or taken his seat in the town council it shall be in the power of the court to impose on him a fine not exceeding one hundred pounds, which fine shall be paid to the town council and applied in such manner as they may direct. 5 10

Councillors not to hold offices of profit. [Burgh Police Act, s. 71.]

15. It shall not be competent for a town council to appoint a councillor to any office or place of profit in their gift or disposal. 15

Councillors not to be liable for debts of burgh. [3 & 4 W. 4, c. 76, s. 33.]

16. No councillor shall incur by his election or acceptance of office any other responsibility for the debts of the burgh, or the acts of his predecessors in office, than might have attached to him as a burgess or inhabitant independently of such election.

Division into Wards and Polling Districts.

20

Number of councillors in each ward. [Burgh Police Act, s. 29.]

17. Where a burgh is divided into wards under the provisions of this Act, the number of wards shall be so adjusted as that there shall be three, or a multiple of three, councillors for each ward.

Existing number of wards and councillors to remain until altered.

18. In the case of any burgh where the number of wards and councillors in each ward under the existing law differs from the proportion specified in the immediately preceding section, the number of wards shall remain as so existing, until altered under section twenty hereof. 25

Division or re-division into wards. [Burgh Police Act, s. 11; 31 & 32 Vict. c. 108, s. 17.]

19. In the following cases, that is to say, where—

- (1) the town council of any burgh not divided into wards resolves that it is expedient that it should be so divided ; 30
- (2) the town council of any burgh resolves that it is expedient that the number or boundaries of the wards should be altered ;
- (3) in consequence of any increase or decrease of councillors it is necessary, in order to conform to the provisions of sections nine and sixteen hereof to alter the number or boundaries of wards ; 35
- (4) any alteration of the boundary of a burgh has taken place ; the sheriff shall, on the application of the town council, if he shall

consider the change necessary or expedient, and after such inquiry and advertisement, including a notice in the "Edinburgh Gazette," as he shall think proper—

A.D. 1900.

- 5 (1) divide or re-divide the whole burgh into wards in conformity with section sixteen or as near thereto as possible, and define the boundaries of such wards ;
- (2) in every case, except in that of a burgh for the first time divided into wards, apportion the existing councillors, or any increased or decreased number of councillors, among the wards so created or altered ;
- 10 (3) determine all questions that may arise in connexion with such division, re-division, or apportionment, and pronounce any order which he may find expedient for effecting the same or for obviating any difficulty which may prevent the due carrying out thereof.

15 Provided that this section shall not apply to the burghs named in Schedule II. of the Burgh Police (Scotland) Act, 1892 ; and provided further that the sheriff in dividing a burgh into wards or in altering the number or boundaries of wards shall have regard to the number of electors and the value of the property in each ward, and shall not finally make such division or alteration until the proposed division or alteration has been advertised and objectors (if any) have been allowed an opportunity to be heard. The town council shall publish every such division or alteration in the

20 "Edinburgh Gazette," and otherwise as they think proper.

20. Any division into wards or alteration of the boundaries of wards under the provisions of this Act shall have effect for parliamentary as well as municipal purposes, provided that such division or alteration shall not affect the boundaries of any division of the burgh for the purpose of returning a member to serve for such division in Parliament.

Ward boundaries to have effect for parliamentary purposes. Local Government Act, 1894, s. 13 (c).

21. In the case of a burgh for the first time divided into wards, the whole of the council, including the provost, shall retire at the next election after such division is completed, and the new council shall be elected by the wards.

First division of burgh into wards.

22. The town council may by resolution divide the burgh, or any ward, into two or more polling districts, and from time to time rescind such resolution or alter the number or boundaries of such polling district, and in carrying out any election the returning officer shall appoint at least one polling place in each polling district.

Polling districts. [Ballot Act, 1872, s. 5.]

A.D. 1900.

*Constituency.*Qualification
of electors.[31 & 32
Vict. c. 108.
s. 3.][44 Vict.
c. 13. s. 2.]
[57 & 58
Vict. c. 58.
s. 11.]**23.** The electors shall consist of—

- (1.) All persons who are entitled in respect of the ownership or occupancy of premises within the municipal boundary to vote in the election of a member of Parliament. 5
- (2) All persons who would have been entitled in respect of the ownership or occupancy of premises within the municipal boundary to vote in the election of a member of Parliament, but for their removal from one part of the municipal area to another. 10
- (3.) All peers and women who, in respect of the ownership or occupancy of premises within the municipal boundary, possess the qualifications entitling male commoners to vote in the election of a member of Parliament; provided that a wife shall not be registered or entitled to vote in respect of any property in respect of which her husband is registered. 15

Provided that no person shall be entitled to exercise any of the rights of an elector—

[Burgh
Police Act,
s. 31.]

- (1) unless his name appears on the municipal register ;
- (2) if any disqualifying mark applicable to the municipal franchise appears against his name in the municipal register ; 20
- (3) if, and so long as he is subject to any disability under the Elections (Scotland) Corrupt and Illegal Practices Act, 1890, or any other Act for the time being in force relating to a parliamentary election or an election to any corporate office. 25

*Municipal Register.*Register in
burghs
returning
members to
Parliament.[31 & 32
Vict. c. 108.
s. 6.][44 Vict.
c. 13. s. 3.]
Register in
burghs where
parliamentary
boundary extends
beyond
municipal
boundary.

24. In every burgh returning or contributing to return a member or members to Parliament, where the municipal and parliamentary boundaries are the same, or the municipal boundary includes any area beyond the parliamentary boundary, the municipal register shall consist of— 30

- (1) the register of voters for parliamentary purposes ;
- (2) the supplementary list.

25. In every burgh returning or contributing to return a member or members to Parliament, of which the parliamentary boundary includes any area beyond the municipal boundary, the assessor shall place a distinctive mark on the list of voters for parliamentary purposes opposite the names of all persons appearing 35

thereon only in respect of the ownership or occupancy of premises within such area, and the municipal register shall consist of— A.D. 1900.

(1) the register of voters for parliamentary purposes, subject to the deduction therefrom of all names so marked ;

5 (2) the supplementary list.

26. In every burgh not returning or contributing to return a member or members to Parliament, the assessor for the county or counties or districts thereof within which the burgh is situated shall, on or before the fifteenth day of September in each year, 10 prepare an excerpt from the list of voters for parliamentary purposes for such county, containing the names of all persons appearing thereon in respect of the ownership or occupancy of premises within the municipal boundary, and the municipal register shall consist of—

15 (1) the said excerpt ;
(2) the supplementary list.

27. On or before the fifteenth day of September in each year the assessor for any burgh, and for any portion of a county included within the municipal boundary of any burgh, shall prepare a 20 separate list of the persons referred to in subsections two and three of section twenty-seven, and of all persons appearing in the parliamentary list of voters in respect of the ownership or occupation of premises in any area beyond the parliamentary boundary, but within the municipal boundary of any burgh, which 25 list shall form the "supplementary list."

28. As affecting the right to be a burgh elector, failure to make payment of any burgh rate, or exemption from payment of any burgh rate, either on account of poverty or of the elector not having been a ratepayer within the burgh at the date when any 30 burgh rate for the year ending on the fifteenth day of May of the year in which the parliamentary register or list is made up, was imposed, shall be a disqualification in the same manner as and in addition to the disqualification arising from, exemption from, or failure to make payment of poor rate in the case of a parliamentary 35 elector.

For the purpose of the registration of burgh electors, the provisions of the Registration Acts in regard to demanding payment of poor rate, the intimation of the names of persons exempted from or who have failed to make payment of poor rate, and the relief 40 against erroneous or improper exemption from payment of poor rate, shall be read and construed as if they applied to the burgh

[265.]—

B

Register in burghs not returning members to Parliament. [33 & 34 Vict. c. 92. s. 6. Burgh Police Act, s. 30.]

Supplementary list. [44 Vict. c. 13. s. 2.]

Disqualification from failure to pay burgh rates. [Compare Local Government (Scotland) Act, 1889, s. 28.]

A.D. 1900. rates as well as to the poor rates, and as if the collector of the burgh rates were therein named as well as and along with the collector of poor rate.

The assessor shall prefix a distinctive mark to the number or name of any parliamentary elector as appearing in the parliamentary register or list, or of any elector in the supplementary list, or in the excerpt referred to in section twenty-five, if such elector shall seem to him to be disqualified in respect of exemption (from either of the causes above mentioned) from or failure to make payment of any burgh rate; and the forms of registers and lists and of notices of claim and objection, and the provisions in regard to numbering on the register under the Registration Acts shall be varied so as to make them applicable to the registration of burgh electors as well as to the registration of parliamentary or other electors.

Procedure in Registration Acts to apply to excerpt, &c.

29. The same procedure shall be followed with reference to all the distinctive marks referred to in this Act, the excerpt referred to in section twenty-five, and the supplementary list as is by the Registration Acts appointed to be followed with regard to the preparation, printing, publication, appeal, revision, completion, authentication, and otherwise of the register of parliamentary voters for burghs and counties respectively.

Register in burghs within parliamentary boundaries of another burgh.

30. Where any burgh is situated, in whole or in part, within the parliamentary boundaries of any other burgh, the same shall, for the purposes of this Act, be considered to be a burgh not returning or contributing to return a member or members to Parliament, and the duties of the assessor under this Act shall be performed, as regards any portion of the municipal area of the burgh situated within the parliamentary boundaries of any other burgh, by the assessor for such other burgh, and as regards the remaining portion of such area by the assessor for the county or counties or districts there of within which it is situated.

Assessors to observe provisions of Local Government (Scotland) Act, 1894.

31. Notwithstanding anything herein contained, the assessors or other persons charged with the preparation of the municipal register, or any part thereof, shall observe the provisions of the Local Government (Scotland) Act, 1894, and Acts explaining or amending the same, with reference to the form and requisites of a municipal register, provided that the insertion in any municipal register of the name of any person qualified as a parish elector only shall not operate to constitute him a municipal elector, and the name of such person shall be indicated by a distinctive mark.

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A.D. 1900.

32. The municipal register shall remain in force from the thirty-first day of October in each year until the first day of November in the following year, and shall be exclusive evidence of the right of any person to exercise the rights of an elector during 5 said period.

Register to be evidence, and term in force. [83 & 34 Vict. c. 92. s. 6; 19 & 20 Vict. c. 58. ss. 30, 31, 32. Burgh Police (Scotland) Act, ss. 30 and 31.]

Retirement of Councillors and filling up of Vacancies.

33. The existing town council or commissioners and magistrates of every burgh shall be the town council and magistrates under this Act, and the existing commissioners of a police burgh shall 10 individually be the councillors thereof, but their retirement, and the filling up of vacancies, shall be regulated by this Act.

Present council to continue in office.

34. On the first Tuesday of November in each year one-third of the whole town council in the case of a burgh not divided into wards, and one-third of the councillors for each ward in the case 15 of a burgh divided into wards, shall retire from office. In any case where the number of councillors for any burgh or ward is not divisible by three, the number to retire shall be the nearest to one-third.

One-third of council to retire yearly. [8 & 4 W. 4. c. 76. s. 16. Burgh Police Act, s. 37.]

35. The one-third to retire shall consist of those who have been 20 longest in office since their last election. Where it is necessary, in order to make up the said one-third, that one or more councillors should retire out of the number of those that have been in office for an equal period, the councillor or councillors to retire shall be those who had the smallest number of votes at their previous 25 election. In the event of there having been no contest or an equality of votes at the said previous election, the town council shall decide the order of retiral, at a meeting to be held so soon as conveniently may be after such election, and not later than the month of September immediately preceding the next ensuing 30 election.

Councillors longest in office to retire. [3 & 4 W. 4. c. 76. s. 16.]

[83 & 34 Vict. c. 92. s. 5.]

36. In the event of any of the following events occurring between the issue of the notice mentioned in section forty-one, and the first day of October in the following year, viz. :—

Casual vacancies. [8 & 4 W. 4. c. 76. s. 25. Burgh Police Act, s. 28.]

- (a.) The death of any councillor;
 - 35 (b.) The resignation of office of any councillor;
 - (c.) Any councillor vacating office in consequence of coming under any of the disqualifications specified in section fifteen hereof;
 - (d.) A disqualified person being elected as councillor;
- [265.] B 2

[16 Vict. c. 26. s. 1.]

[16 Vict. c. 26. s. 1.]

A.D. 1900.

[16 Vict.
c. 26. s. 1.]

(e.) The full number of councillors not being elected at any election, the full number failing to accept office, or any councillor being elected by more than one ward;

(f.) Any election being abortive in consequence of any error or irregularity in the proceedings; 5

(g.) A vacancy occurring from any cause other than those above stated, and other than retirement in ordinary rotation;

the vacancy so occurring shall be filled up ad interim by the town council at a meeting of which the notices, stating that the matter is to be then dealt with, shall be sent out by the town clerk within 10 three weeks of the occurrence of such event, and which shall be held not sooner than five days, and not later than ten days, from the date of such notice. In the event of the town clerk failing to call the said meeting, or in the event of the said meeting failing so to elect, it shall be in the power of the provost, or of any councillors 15 forming among them one-third of the whole town council, at any time thereafter, to call a meeting for the same purpose and upon the same notice.

Term of office
of interim
councillor.
[3 & 4 W. 4.
c. 76. s. 25.]

37. The councillor elected ad interim under the preceding section shall hold office until the first Tuesday of November next 20 ensuing after his election, or, in the event of his election between the issue of the notice referred to in section forty-one and the first Tuesday of November thereafter, until the first Tuesday of November in the following year, and if the councillor whose place he is elected to supply would, in ordinary course, have formed one 25 of the councillors to retire at either of the said dates, he shall be reckoned as forming one of the councillors to retire thereat; but in any other case he shall not be so reckoned, and his place shall be filled up by the electors, in addition to the one-third falling to retire. 30

Councillors
may resign
office.
[3 & 4 W. 4.
c. 76. s. 26.]

38. Any councillor may resign his office at any time upon giving not less than three weeks' notice in writing to the town clerk, and the said resignation shall take effect after the expiry of the said three weeks, provided that, in the event of such councillor intimating that he desires that his resignation should take effect at 35 the date of the next annual election, the same shall take effect at that date, irrespective of the foresaid term of notice being given, provided only that notice of resignation in writing is given to the town clerk before the issue by him of the notice provided for by section forty-six hereof. 40

When
vacancy not
to be filled up
ad interim.

39. In case of any of the events mentioned in section thirty-five hereof occurring between the thirtieth day of September and

the issue of the notice referred to in section forty-six hereof, or of a councillor intimating his resignation to take effect at the date of the next annual election, the vacancy so caused shall not be filled up by the town council, but shall be filled up by the electors at the annual election of said year, the councillor vacating office being reckoned, or not reckoned, one of those to retire at said election, according as he would, or would not have, in ordinary course, formed one of the third falling to retire at said election.

40. It shall be lawful to the council to grant leave of absence to a councillor on his application, and on a reasonable cause shown, for any period not exceeding twelve months.

A.D. 1900.
—
Leave of absence to councillor.
[Burgh Police Act, s. 51.]

Procedure at Elections.

41. Where a burgh is not divided into wards, there shall be one election of councillors for the whole burgh. In other cases there shall be an election in each ward. In any case where the name of an elector appears in the municipal register as being qualified in respect of the ownership or occupancy of premises in more than one ward, such elector may vote in any one of said wards, but he shall not thereafter be entitled to vote at the same election in any other ward, and in the event of his doing so, or presenting himself at any polling place and asking for and receiving a ballot paper with the intention of so voting, he shall be liable to a penalty not exceeding fifty pounds, recoverable in like manner and under the same alternative as are applicable to any penalty under the Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890.

Mode of election and voting.

42. Between the eleventh and eighteenth days of October in each year the town clerk shall, by notice to be affixed to the outside wall of the town hall, or of any premises where the meetings of the town council are ordinarily held, and also to be published either by handbills posted up throughout the burgh or by insertion at least once within the said period in some newspaper circulating within the burgh, if any be, or otherwise in some newspaper circulating in the county in which the burgh is situated, intimate (1) the names of the councillors falling to retire on the ensuing first Tuesday of November; (2) the wards by which their places fall to be supplied in the case of a burgh divided into wards; (3) the date and place for lodging and withdrawing nomination papers; (4) the date of election in the event of there being a poll; and (5) the polling places. The said notice shall be in, or as nearly as may be in, the forms respectively applicable contained in Schedule III. annexed to this Act.

Notice of vacancies and dates of nomination and election.
[3 & 4 W. 4. c. 76. s. 8.]

A.D. 1900.

Nomination
of candidates.
[Burgh
Police Act,
s. 39.]

43. It shall not be competent to elect any person to the office of councillor unless the name of such person shall have been intimated to the town clerk in the manner herein-after provided, before four of the clock afternoon of the Tuesday immediately preceding the first Tuesday of November by delivery to him, or at his office, of a nomination paper in, or as nearly as may be in, the form of Schedule IV. hereunto annexed.

Signatures to
nomination
paper.
[Burgh
Police Act,
s. 39.]

44. The said nomination paper shall be subscribed by two electors, and the form of assent appended thereto shall be signed by at least five other electors, and in the case of a burgh divided into wards, the proposers and assenters shall all be electors of the ward to which the nomination paper applies. The form of consent to be nominated, on the nomination paper, shall be subscribed by the candidate or a law agent duly authorised by him.

Withdrawal
of nomination.
[Burgh
Police Act,
s. 40.]

45. Any nomination may be withdrawn by notice of withdrawal given to the town clerk before four of the clock afternoon of the Thursday immediately preceding the said first Tuesday of November, and such notice of withdrawal shall be signed by the person nominated or a law agent duly authorised by him, and his proposers, and shall be in, or as nearly as may be in, the form of Schedule V. of this Act, provided that no such withdrawal shall be competent where its effect would be to reduce the total number of persons nominated for the then ensuing annual election of town councillors in such burgh (or in a ward thereof where the burgh is divided into wards, and the notice applies to such ward) below the number necessary to supply the vacancies to be filled up in the burgh or ward, as the case may be, at that election.

Notice of
candidates
nominated.
[31 & 32
Vict. c. 108.
s. 9.
33 & 34 Vict.
c. 92. s. 3.]

46. The town clerk shall, not later than the Friday immediately preceding the election, cause public notice to be given of the names of all persons so intimated to him and of all withdrawals intimated to him as aforesaid, and such notice shall be in, or as nearly as may be in, the form of Schedule VI. hereunto annexed, and shall be affixed and published in manner directed by section forty-six hereof. In case the number of nominations in any burgh or ward does not exceed the number of vacancies, the town clerk shall, in his notice, intimate that fact, and state that there will be no poll in such burgh or ward.

Nomination
of disqualified
person.

47. In the event of any disqualified person being nominated, the town clerk shall, if the names of such person and his proposers and assenters appear in the municipal register, receive the nomination paper and deal with it in the same manner as the nomination

papers of qualified candidates, but if the name of such persons, or any of them, do not appear in the municipal register, he shall reject the nomination paper, and the same shall be null and void. A.D. 1900.

48. In the event of the number of persons nominated and not subsequently withdrawn not exceeding the number of vacancies in any burgh or ward of a burgh, the persons nominated shall be held to be duly elected as councillors. Number of candidates not exceeding vacancies. [33 & 34 Vict. c. 92. s. 3.]

49. In the event of the number of persons nominated and not subsequently withdrawn for election as councillors of any burgh or ward of a burgh exceeding the number of vacancies, the election shall be carried out by a poll which shall be taken on the first Tuesday of November, under and in conformity with the provisions of the Ballot Act, 1872, the Elections Hours of Poll Act, 1884, and any Acts extending and amending the same. Poll in contested elections.

50. The returning officer at the said election shall be the provost of the burgh, but the acting chief magistrate shall act as returning officer in the events— Returning officer.

- (1) of the office of provost being at the time vacant;
- (2) of the provost being among the number of councillors falling to retire at the election, or of his term as provost expiring, or his resigning office as at the date of the election;
- (3) of the provost being incapacitated from acting by illness, absence, or any other cause; or
- (4) of the provost declining or failing to perform his duties under the Act. [3 & 4 W. 4. c. 76. s. 8.]

51. In the event of the provost and all the bailies being amongst the number to retire, or being prevented from acting or failing to act as returning officer for any of the reasons aforesaid, the town clerk, or any person appointed by him, shall act as returning officer. Town clerk to be returning officer in certain cases. [Burgh Police Act, s. 33.]

52. The returning officer shall cause the result of the election, whether contested or uncontested, to be declared within the town hall council chambers or other public hall or place in the burgh, not later than four of the clock afternoon of the day after the election, and shall cause a written or printed statement thereof, signed by him, to be immediately thereafter affixed to the outside wall of the town hall, or of any premises in which the meetings of the town council are usually held. Declaration of election. [3 & 4 W. 4. c. 76. s. 10.]

53. The town clerk shall, immediately after the declaration of the election, and at latest before the expiry of the day after the election, Notice to councillors of their election.

A.D. 1900. give notice in writing to the several persons elected of their election, and require them severally to appear in the town hall, council chambers, or other public room aforesaid, on the second lawful day after such election and at such hour between ten o'clock forenoon and eight o'clock afternoon as may be fixed by said notice, when they shall severally declare, in presence of the returning officer or of the town clerk, whether they accept or decline to accept the office of councillor, and if any such person shall be found to have been elected by more than one ward in a burgh, he shall thereupon declare for which ward he intends to serve. In the event of any person elected failing to attend such meeting and declare his acceptance of office, or to intimate in writing addressed to the town clerk and delivered to him or at his office before the hour of such meeting, his acceptance of office, the person so elected shall be held to have declined office, and his place shall be held to be vacant.

Oath or
declaration
unnecessary.

54. It shall not be necessary for any councillor or magistrate to make any oath or declaration before accepting office or acting as such, but every councillor and magistrate shall, by his acceptance of office, be held to affirm his allegiance to the Crown and to undertake to administer faithfully the duties of his office.

Returning
officer to
have casting
vote.

55. In the event of two or more candidates receiving an equal number of votes, the returning officer shall have and exercise a casting vote.

Election of Magistrates, &c.

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Election of
provost and
bailies.
[3 & 4 W. 4.
c. 76. ss. 17.
24.]

56. The magistrates shall be elected by the town council from among their own number. The provost shall hold office from the date of his election as such until the expiry of three years from the first Tuesday of November immediately preceding his election, and during that period he shall (provided he continues to hold the office of provost) continue to hold office as a councillor, and be held at each of the elections occurring during his term of office to have been the shortest time in office of the councillors for the burgh or for the ward which he represents.

Bailie to hold
office till expiry
of term as a
councillor.
[3 & 4 W. 4.
c. 77. s. 22.]

57. The magistrates other than the provost, shall be called bailies, and each bailie shall hold office from the date of his election to the date at which he falls in ordinary course to retire as a councillor.

Meeting for
electing
magistrates.
[3 & 4 W. 4.
c. 76. s. 16.]

58. The town council shall meet at twelve of the clock noon (or at any other hour that may have been fixed by standing order) on the Friday immediately succeeding the day of each annual election,

and, at such meeting or any adjournment thereof, fill up by election all vacancies that may then exist in the offices of provost and bailie. The returning officer, or in case of his absence, one of the bailies, in the order of seniority, or failing any bailie, one of the
 5 councillors to be appointed by the meeting, shall preside at the said meeting. Where more than one bailie is elected at the same time the council shall determine the order of seniority.

A.D. 1900.

59. In the event of the council failing to meet on the said day or to fill up any of the said vacancies at said meeting, or any
 10 adjournment thereof, it shall be lawful to them to fill up the said vacancies at any subsequent meeting to be duly called, but in the event of their failing to hold such meeting and make such election within the month of November in any year, it shall be lawful for the sheriff to appoint, and he shall, on the application of any four
 15 electors of the burgh, appoint councillors to fill any vacancies in the said offices, or in the event of none of the councillors being willing to accept office, appoint such persons thereto from among the electors as he shall deem proper, and the persons so appointed from the electors shall be supernumerary councillors of the burgh,
 20 but their term of office shall terminate at the next annual election, and they shall not be reckoned as part of the one-third to retire at such election, nor shall their appointment in any way interfere with the ordinary rotation of retirement of the other councillors.

Failing to hold meeting on statutory day.

60. In the case of burghs formed after the commencement of
 25 this Act, the council first elected shall hold their first meeting at twelve of the clock noon on the first Friday after the first election, and the sheriff, or any person appointed by him, shall preside at the said meeting, and have a casting vote in case of equality, and the magistrates shall be elected at such meeting.

First meeting in new burghs. [Burgh Police Act, s. 35.]

30 61. In the event of the provost being prevented at any time from fulfilling, or failing to fulfil, any of the duties of his office, on account of illness, absence from home, or from attendance at any meeting or any other cause, such duty shall be performed by the senior bailie, or in the event of his being prevented from fulfilling
 35 it from any such cause, by the next senior bailie, and so on through the whole number of bailies.

Acting chief magistrate in absence of provost.

62. The town council may at any time appoint any of their number who have held the office of provost, bailie, or magistrate to act as judges in the police courts of the burgh for such time as
 40 they continue to be members of the town council without re-election; and during such time the persons so appointed may

Appointment of councillors to act as judges of police.

[265.]—

C

A.D. 1900. lawfully exercise all jurisdictions, powers, and authorities now competent to or exercisable by the magistrates of the burgh as judges of police under and in virtue of the Police Acts.

Resignation
of magistrate.
[3 & 4 W. 4.
c. 76. s. 26.]

63. Any magistrate may resign office at any time on giving three weeks' notice, in writing, of his resignation to the town clerk, and 5 his resignation shall take effect on the expiry of the said three weeks. Any magistrate resigning his office as a councillor, or ceasing for any reason to hold the office of councillor, shall be ipso facto held to vacate his office of magistrate at the same date as his office of councillor, but the resignation of office as a magistrate 10 shall not infer resignation as a councillor. For the purposes of this and the following section magistrate shall include any member of council appointed to the honorary office of treasurer.

Casual
vacancies
among magis-
trates.
[3 & 4 W. 4.
c. 76. s. 25.]

64. In the event of any vacancy in the office of magistrate occurring from any other cause than retirement in ordinary rotation, 15 the vacancy so occurring shall be filled up by the town council at a meeting of which notices stating that the matter is to be then dealt with shall be sent out by the town clerk within three weeks of the occurrence of such vacancy, and which shall be held not sooner than five days and not later than ten days from the date of 20 such notice, or at any adjournment of said meeting, and the person elected shall hold office for the same period and subject to the same conditions as if he had been elected in terms of section sixty-four hereof; provided that it shall not be competent for the council to elect to the said office any councillor elected ad 25 interim under section forty hereof, during the period of his interim appointment, and further that in the event of such a vacancy occurring in the office of provost or honorary treasurer it shall be competent to make an interim appointment to endure only until the first Tuesday of November thereafter.

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Irregularity
or nullity not
to affect
election of
other coun-
cillors or
magistrates.
[3 & 4 W. 4.
c. 76. s. 37.
16 Vict.
c. 26. s. .]

65. No irregularity or nullity in the election of any councillor or magistrate shall in any case annul or affect the election of any other councillor or magistrate, and all proceedings of the town council or magistrates shall be valid, notwithstanding any vacancy in their number or the vote or presence of any councillor or magis- 35 trate against whose election or qualification any objection may exist; and the actings of a councillor or magistrate prior to his election being set aside or found null, or his disqualification declared, shall be equally valid and effectual as if such councillor or magistrate had been duly elected and not been disqualified.

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- 66.** Where any burgh shall from any cause be at any time without a legal council, any seven electors of such burgh, or any seven persons possessing the qualifications entitling them to be placed on the municipal register, may present a petition to the sheriff requesting him to conduct an election of a council, and thereupon the sheriff shall proceed with an election in the manner, or as nearly as may be in the manner, provided by sections twenty-five and twenty-six of the Burgh Police (Scotland) Act, 1892, and by the provisions of this Act relating to the conduct of elections; provided that where a municipal register exists in such burgh, the same shall come in place of the list of householders therein referred to, and the electors shall be those specified in section twenty-eight hereof; and where no municipal register exists, the right of voting at said election shall be in the householders whose names are in the said list; and provided further, the number of magistrates and council to be elected in such burgh shall be in accordance with the provisions of section twelve hereof.

A.D. 1900.
Election where burgh has no legal council.
[16 Vict. c. 26. s. 1. 31 & 32 Vict. c. 108. s. 13.]

- 67.** The whole expense of making up and printing the municipal register, and in connexion with the election of councillors and magistrates, shall be defrayed either from the common good of the burgh, the assessment imposed or levied in the burgh under the provisions of the Registration Acts, or any assessment levied under the Burgh Police (Scotland) Act, 1892, or any local Act, all as the council may determine, and the said expenses may be divided and apportioned among the said funds and assessments as the council think proper.

Expense of making up municipal register, &c.
[33 & 34 Vict. c. 92. ss. 7 and 9. Burgh Police Act, s. 34.]

Minutes and Proceedings of Council.

- 68.** Meetings of the council shall be held at such times and at such places as may be fixed by them from time to time, and as may be fixed by this or any other Act. All the councillors shall be cited to attend all meetings, such citation being given personally, or at their dwelling-houses or places of business by notice issued by the town clerk and posted or delivered at least twenty-four hours before the time of meeting, which notice shall specify, or be accompanied by a paper of agenda specifying, so far as known to the town clerk, the business to be considered at the meeting.

Meetings of council.
[Burgh Police Act, s. 50.]

- 69.** The town clerk shall issue, without further authority, the notices for all meetings appointed to be held by statute or by the standing orders of the council. The town clerk shall, when required in writing by the provost or acting chief magistrate, or on requisition being made to him stating in writing the object of the

Special meetings.
[Burgh Police Act, s. 52.]

A.D. 1900. intended meeting, and signed by not less than one-fifth of the whole members of the council, cause special meetings to be called, the notices for which shall be issued within twenty-four hours, and which shall be held within four days after receipt of such requisition.

Special
urgency.

70. In any case which appears to the provost or acting chief magistrate to demand special urgency, he may require the town clerk to call, and the town clerk shall thereupon call a special meeting, to be held at a time less than twenty-four hours from the issue of the notices, provided that the resolutions of such meeting shall not be valid and binding on the council unless either a majority of the whole council is present, or they are confirmed by a subsequent meeting called in manner provided by section seventy-four hereof.

Quorum.
[Burgh Police
Act, s. 50.]

71. One-third of the town council shall constitute a quorum at any meeting thereof.

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Adjourn-
ment.
[Burgh Police
Act, s. 53.]

72. The town council may adjourn any meeting to any other day, hour, and place.

Chairman of
meetings.
[Burgh
Police Act,
s. 50.]

73. The provost or acting chief magistrate, and failing all the magistrates, such one of the council as shall be chosen by the meeting, shall preside at meetings of the council, and the preses of the meeting shall have both a deliberative and, in case of equality, a casting vote, in all matters which come before it.

Committees.
[Burgh
Police Act,
s. 54.]

74. The council shall have power to form committees of their number, either with directions to report to the council, or for carrying out the matters remitted to them, and to delegate to such committees, in whole or in part, the powers, not being powers to raise money by rate, or loan, or powers, the delegation whereof is expressly prohibited by any statute, competent to the council with regard to the subject which may be remitted, to name the convener and sub-convener, and to fix the numbers of such committees which shall form a quorum, and, if they see fit, to allow any committee to appoint sub-committees with powers; and the convener or sub-convener, or in his absence a member to be elected by the committee for the time, shall preside at all meetings of a committee, and shall be entitled to both a deliberative and, in case of equality, a casting vote. All meetings of committees shall be convened by the town clerk in manner aforesaid, on the instructions of the convener, or in such manner and on such instructions as the council may appoint.

75. No act or proceeding of a town council or committee shall be invalidated in consequence of the omission to send the notice of the meeting to any councillor or of the informality of such notice, and in any case the proceedings of any informally convened meeting shall be validated by confirmation at a subsequent meeting duly called.

A.D. 1900.
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Omission to send notice not to invalidate proceedings.
[Burgh Police Act, s. 50.]

76. Minute books shall be kept by the town clerk containing a record of the proceedings and orders of the council and their committees. Where not otherwise provided by local Act or standing order of the council, all minutes of meetings of council, when prepared by the clerk, shall be submitted to the next ensuing meeting, and after being read and approved, shall be signed by the chairman of the latter meeting. All minutes of meetings of committees may be signed by the chairman of such meeting, or by the chairman of any subsequent meeting of the same committee to which the same may be submitted for approval.

Minute books.
[Burgh Police Act, s. 61.]

77. The council may from time to time enact such standing orders as they may consider necessary or expedient for the regulation of their business, and repeal, alter, and amend the same. The council may by standing order provide for the closure of debate, and for the suspension by resolution of the council for the remainder of the sitting of any councillor disregarding the authority of the chairman of any meeting, or being guilty of obstructive or offensive conduct at any meeting.

Standing orders.

25 *Officers of Council.*

78. The council shall from time to time appoint a fit person to be the town clerk of the burgh. In the case of any burgh where the office of town clerk is regulated by local Act, the tenure of office shall be in accordance with the provisions of such Act, and in the case of royal burghs and parliamentary burghs where the same is not so regulated, the tenure of office shall be the same as the tenure of the office of town clerk according to the existing law. In the case of all other burghs the tenure shall be during the pleasure of the town council. The present town clerk and every person who shall hereafter be appointed to that office shall hold office during the pleasure of the Corporation or during such period as may be fixed in any agreement already made or to be made between the Corporation and the present town clerk or any such person, and upon such terms and conditions as may have been or may be agreed on. Provided that the town clerks of any such

Appointment of town clerk.
[Burgh Police Act, s. 61.]

A.D. 1900 — burgh shall not be removed from office except by a vote of not less than two-thirds of those members of the town council who shall be present at a meeting of the town council specially called for the purpose by a circular addressed to the members of the town council not less than seven nor more than fourteen days before 5 such meeting. In addition to any other duties that may be prescribed by or fall within the terms of his appointment, or may devolve by law upon him, the town clerk shall perform the following duties:—

- (1.) He shall have the charge and custody of, and be responsible 10 for, the charters, deeds, records, and documents of the burgh, and they shall be kept as the council direct.
- (2.) He shall keep the records of the proceedings of the council and their committees.
- (3.) He shall prepare and issue all such notices as the council 15 may require to issue in the conduct of their business, or as may be required in the conduct of any election.
- (4.) He shall perform all the duties laid upon the clerk to the commissioners under the Burgh Police (Scotland) Act, 1892, or under any other Act conferring powers or imposing duties 20 on the council. In police burghs the existing clerk to the commissioners shall become the town clerk, and shall hold office on his existing tenure until a town clerk is appointed under this Act.

**Remunera-
tion for
additional
duties.**

79. If in consequence of the passing of this Act any duties are 25 imposed upon the town clerk in addition to those which he was bound to perform prior thereto, the council may pay to him such additional remuneration therefor as they may think proper.

**Town clerk
depute.**

80. The town clerk may appoint one or more persons approved of by the town council to act as his depute, and all things required 30 or authorised by law to be done by or to the town clerk may be done by or to any depute town clerk so appointed.

**Town clerk
not to prac-
tice in police
court.
[Burgh
Police Act,
s. 62.]**

81. No town clerk, depute town clerk, or partner of or person in the employment of such town clerk or depute town clerk shall act as agent or solicitor in the trial of any offence in any police court of 35 the burgh, and in the event of a contravention of this provision, such clerk shall be thenceforth disqualified from holding any office under the town council and from being a councillor, but the disqualification may be removed on the recommendation of the town council by the Secretary for Scotland. 40

82. Nothing herein contained shall affect the rights of the holder as at the passing of this Act of the office of town clerk or of any other office under the town council or commissioners, and such holder if still in office at the commencement of this Act shall
 5 continue after the commencement of this Act to fulfil the duties of his office until his tenure thereof is legally terminated. For the purposes of this section the clerk to the commissioners of a police burgh shall be deemed to be the holder of the office of town clerk in such burgh.
- 10 83. Where in any burgh the duty of clerk, treasurer, or collector to the town council, as commissioners under the Burgh Police (Scotland) Act, 1892, or any other local or general Act conferring powers or imposing duties on the council, is performed, immediately prior to the commencement of this Act, by an officer other than
 15 the town clerk, treasurer, or chamberlain, the town council may, notwithstanding anything herein contained, so long as they shall consider it expedient to do so, continue him in his post, and so long as the town council shall resolve so to continue him, the duties in relation to the Burgh Police Act, or such other Act as aforesaid,
 20 imposed upon the town clerk, treasurer, or collector, shall continue to be performed by the said officer, who shall in relation to such duties possess all the powers hereby conferred upon the town clerk, treasurer or collector, and the council may pay to such officer such remuneration as they may think proper.
- 25 84. The council shall from time to time appoint fit persons to be the treasurer and the collector of the burgh, to act during their pleasure, and such treasurer and collector before entering upon office, shall respectively grant bond with sufficient surety to the council for their intromissions, and for the just and faithful
 30 execution of their office, to such an amount as the council shall think reasonable, and any treasurer or collector who may be convicted of wilfully secreting or not accounting to the council for any sum of money received by him, as treasurer or collector, shall forfeit triple the amount thereof to the council, besides being
 35 liable to be punished according to law, and to be deprived of his office. The town council may confer the title of chamberlain, or such other title as they may resolve upon the said treasury.
85. The treasurer or collector shall be obliged to lodge all money received by him in a chartered or other bank, or in one of the
 40 branches of such bank in the burgh, to be fixed by the council, upon an account to be opened in the name of the council in their corporate name, and to be operated upon by the treasurer or

A.D. 1900.

Rights of
present
officers
reserved.Existing
clerks or
police, &c.
may be re-
tained.Treasurer
and collector.
[Burgh
Police Act,
s. 63.]Treasurer or
collector to
lodge money
in bank.
[Burgh
Police Act,
s. 64.]

A.D. 1900. collector respectively, with the counter signature of one or more councillors as the council shall from time to time appoint. The council may from time to time make regulations for the manner of keeping or operating upon such bank accounts as they think proper. 5

Clerk and treasurer not to be same person. [Burgh Police Act, s. 66.]

86. The council may appoint the same person to be both treasurer and collector, but (saving the cases of persons appointed to and exercising the joint offices prior to the passing of this Act, and saving also as after mentioned) shall not appoint the town clerk, or his partner, or any person in the service or employ of such clerk or of his partner, to be the treasurer, or appoint the treasurer or collector, or his partner, or any person in the service or employ of such treasurer or collector or his partner, to be town clerk, and any appointment made in contravention of this clause shall be null and void. 10 15

Town clerk may be treasurer in burghs of 5,000.

87. In the case of any burgh having not more than 5,000 inhabitants at the date of the census immediately preceding any election of town clerk or treasurer or collector, it shall be lawful for the town council at such election to appoint the town clerk to be treasurer or collector during the pleasure of the council. 20

Defalcations of treasurer or collector, how to be chargeable. [Burgh Police Act, s. 65.] Other officers.

88. In case any treasurer or collector shall become insolvent, and the sums chargeable against him shall not have been paid by his cautioner or sureties, the amount deficient shall be chargeable against the common good of the burgh, or against such of the assessments levied by the council as the council may determine. 25

89. The council shall from time to time appoint such other salaried officers as are directed by common law or statute to be appointed, or as the council think necessary. The council may, in the case of all officers appointed by them, require such officer to give such security as they think proper for the due execution of his office. The council shall allow to their officers such remuneration as they think reasonable. 30

Honorary treasurer.

90. Where under statute or the set or usage of any burgh it has, prior to the passing of this Act, been the custom to appoint a councillor to the honorary office of treasurer, the council may continue to make such an appointment, and the honorary treasurer so appointed may exercise, subject to the direction of the council, a general superintendence over the actings of the treasurer appointed under this Act, and may be appointed convener of any finance committee appointed by the council, the councillor so appointed shall, if the council so decide, have the same right of holding office 35 40

for three years, and of being held to have been the shortest time in office as a councillor as is hereinbefore conferred on the provost. A.D. 1900,

Accounts and Corporate Property.

91. Accounts of all property, heritable and movable, vested
5 in the council, and all assessments levied by them, showing the nature of such property, and of all money received and disbursed, shall be kept in books by the treasurer.
92. The council shall yearly cause to be made out a just and accurate account of all the moneys received and expended by them
10 on account of the common good and revenue of the burgh, and on account of any rates or assessments levied or collected, or money realised, received, or borrowed by them under the Burgh Police (Scotland) Act, 1892, or any other Act under which they are authorised to levy assessments or uplift or borrow money, for the
15 year ending on the fifteenth day of May immediately preceding, showing from what sources such moneys have been received, and to what purposes the same have been laid out and applied.
93. The said account shall be so made out as to exhibit a complete state, showing the common good and all other assets,
20 and also the liabilities of the burgh, and the action taken during the year with a view to the extinction of such liabilities by way of payment of instalments or annuities, contributions to sinking fund or otherwise classed under different heads; also the amount of each branch of revenue and assessment, distinguishing how
25 much thereof shall have been received, and how much thereof shall be in arrear or remaining unpaid at the date of such account; also the amount of all sums received or loans contracted for, annuities granted, and sums received in consideration thereof, or on sale, or alienation of property, distinguishing the same
30 from the ordinary revenue, and also showing every sum paid and every sum remaining unpaid for or by reason of any expense incurred during the year for which such account shall be so made out, distinguishing the fixed or ordinary from the casual or incidental expenditure, and also showing all cautionary obligations,
35 positive or conditional, incurred by or on account of the burgh, distinguishing such as shall have been incurred during the year.
94. The said account, as the same shall have been audited as herein-after provided, shall be laid before a meeting of council, to be held not later than the month of September in each year, and
40 shall, if and as approved by the council, be signed by the preses

Books of account.
[Burgh Police Act, s. 67.]
[3 Geo. 4, c. 91. ss. 1, &c.]
Yearly account to be made out.
[Burgh Police Act, s. 68.]
[3 Geo. 4, c. 91.]

Account to exhibit a complete state of affairs.
[3 Geo. 4, c. 91.]

Account to be laid before meeting of council.
[Burgh Police Act, s. 68.]

[265.] +

D

A.D. 1900.

of said meeting and the town clerk, and shall be deposited with the town clerk, and the council shall forthwith cause such account or an abstract thereof, together with any special report by the auditor thereon, to be printed, and shall permit any person assessed, or any elector, to inspect and examine such account at all reasonable 5 times, without payment of any fee or reward for such inspection, and shall forthwith transmit to the Secretary for Scotland, and shall also on the demand of any person assessed or elector on payment of such sum as the council with the approval of the Secretary for Scotland may fix deliver to such person or elector a 10 copy of such account or abstract and report as printed.

The Secretary for Scotland is hereby empowered to prescribe a form of abstract of the said account, and if and after he has prescribed such form an abstract of the said account shall be made and printed in the prescribed form and shall come in place of the 15 abstract in this section mentioned, and if the Secretary for Scotland so determine shall also come in place of and render unnecessary a return of the receipts and expenditure of the town council in pursuance of the Local Taxation Returns (Scotland) Act, 1881.

Appointment
of auditor.
[Burgh
Police Act,
s. 69.]

95. The Secretary for Scotland shall annually appoint an auditor 20 for the purpose of auditing the accounts of the burgh, and in case of dispute shall on the application of either party fix the fee to be paid to such auditor, and in case the office of such auditor shall, before such accounts are audited by him, become vacant by death, or from any other cause, shall subject to the like incidents appoint 25 an auditor to supply such vacancy.

Accounts,
&c. to be
delivered to
auditor.
[Burgh
Police Act,
s. 70.]

96. The council shall deliver to the auditor, as soon as may be after the said fifteenth day of May annually, all the accounts, together with their books and vouchers; and it shall be the duty of the auditor to audit such accounts, and either make a special report 30 thereon in any case where it appears to him expedient so to do or simply confirm the same, provided that the auditor shall make a special report in every case where he is of opinion that any statutory or other requirement with respect to the repayment or extinction of debt has not been observed or that any debt is not being duly 35 repaid; and such report or confirmation shall be read at the foresaid meeting; any ratepayer or elector who shall be dissatisfied with any account made up as aforesaid, or any item therein, may complain against the same by petition to the sheriff specifying the grounds of objection, and the sheriff shall hear and determine the 40 matter of complaint, and his decision shall be subject to the same

right of appeal as in ordinary actions in the sheriff court. **Provided** A.D. 1900.
 always that it shall not be competent to raise any such question
 before the sheriff after the lapse of three months from the date
 of the meeting at which the auditor's report is received.

- 5 **97.** Where the town council or magistrates or any number of them are the sole trustees for any charity, foundation or mortification, then, and in every such case, accounts relative to the same shall be kept distinct from the accounts relative to the common good, revenues and assessments of the burgh, and the council shall
- 10 yearly cause to be made out an account relative to such charity, foundation or mortification, and all the provisions herein contained relative to the preparation, submission to the council, and audit of the accounts relating to the common good and assessments of the burgh, shall be applicable to the accounts of the said charity,
- 15 foundation or mortification.

Accounts of
 charity under
 management
 of town
 council.
 [3 Geo. 4.
 c. 91. s. 4.]

- 98.** The town council shall cause all feus, alienations, or tacks for more than five years, of any heritable property of the burgh, or vested in the council, so far as forming part of the common good, to proceed by public roup, of which public notice shall be given
- 20 by advertisement published once weekly for at least three weeks immediately preceding the day of roup, in a newspaper circulating in the burgh or in the county wherein the burgh is situated, and all such feus alienations, leases or tacks made otherwise than as herein directed, shall be void and null. A certificate by the publisher
- 25 of such newspaper of the appearing of the said advertisement shall be sufficient evidence of such publication and of the date thereof.

All aliena-
 tions of
 heritable pro-
 perty to be
 by public
 roup.
 [3 Geo. 4.
 c. 91. s. 5.]

- 99.** It shall not be lawful for the council of any burgh to contract any debt, grant any obligation, make any agreement, or enter into any engagement which shall have the effect of binding
- 30 them or their successors in office, unless a resolution of council or of a committee duly authorised to pass such resolution shall have been previously made in that behalf, or unless the same has been authorised by some person authorised by standing order of the council to do so, and any such contract, obligation, agreement, or
- 35 engagement made or entered into without such authority shall be void and null as against the common good, property, and assessments of the burgh or the succeeding council thereof, without prejudice nevertheless to the personal liability and responsibility of the persons by whom the same may have been made or entered
- 40 into.

No debt to
 be con-
 tracted,
 unless by
 resolution of
 council or
 committee.
 [3 Geo. 4.
 c. 91. s. 11.]

A.D. 1900.

Miscellaneous.

Election of
trustees
under certain
Acts, char-
ters, &c.
[3 & 4 W. 4.
c. 76. s. 20.]

100. Where any trust, management, or direction is, by the terms of any public or local Act, or of any charter or deed of foundation or other deed, conferred or imposed on any members of a council either under the denomination of old provost, old bailie, old dean of guild, 5 or of merchants or trades bailies, or merchants or trades councillors respectively, or under any other denomination, or upon any particular members of a council, or magistrates or office bearers, the town council shall, from time to time, nominate and elect from their own body such a number of persons to be such trustees, 10 managers, or directors as are by such Acts, charters, or deeds appointed to those offices under the said denominations, and the whole powers and functions belonging to the said offices of trustees, managers, or directors shall belong to and be as fully vested in the persons so elected as if they had possessed the denominations used 15 in the said Acts, charters, or deeds.

Right of
election of
deacon con-
vener, &c.
reserved.
[3 & 4 W. 4.
c. 76. s. 21.]

101. Nothing herein contained shall be held or construed to impair the right of any craft, trade, convenery of trades, or guildry, or merchants house or trades house, or other such corporation, severally to elect their own deacons or deacon convener, or dean of 20 guild or directors, or other lawful officers, for the management of the affairs of such craft, trades, conveneries of trades, or guildries, merchants or trades houses, or other such corporations: but, on the contrary, the said several bodies shall be in all cases entitled to the free election, in such form as shall be regulated by them, of the 25 said several office bearers, and other necessary officers for the management of their affairs, without any interference or control whatsoever on the part of the town council or any member thereof.

Dean of
guild and
deacon con-
vener, &c.
of certain
burghs to be
members of
council, &c.
[3 & 4 W. 4.
c. 76. s. 22.]

102. The persons elected, or to be elected, to the offices of dean of guild and deacon convener or convener of trades, by the convenery 30 and guild brethren respectively in the city of Edinburgh, and to the offices of dean of guild and deacon convener by the merchants house and trades house respectively in the city of Glasgow, shall, in virtue of their said elections by the said guild brethren, convenery, merchants house, and trades house respectively, be 35 constituent members of the town councils of the said cities, and shall enjoy all the powers and perform all the functions now enjoyed or performed by such office bearers in these cities; and in like manner the persons elected, or to be elected to the offices of deans of guild by the several guildries of the cities of Aberdeen, and 40 Perth shall, in virtue of such their elections, be constituent

members of the town councils of the said cities respectively, and shall as such enjoy all the powers and perform all the functions now exercised or enjoyed by the existing deans of guild in the said cities respectively; but the provisions hereof as to qualification, retirement, and election of councillors shall not be applicable to such persons, and in computing the number or the one third of the town council for any purpose under this Act, the said persons shall not be reckoned as councillors. Nothing in this Act shall affect the existing rights, powers, and jurisdiction of any dean of guild, or dean of guild court in any burgh.

103. Notwithstanding anything herein contained, the councils of the burghs of Anstruther Wester, Earlsferry, Lauder, and North Berwick, shall, unless and until altered under section twelve hereof, consist of nine members, including the magistrates, and the magistrates of said burghs shall, unless and until altered as aforesaid, consist of a provost and two bailies.

A.D. 1900.
—
Councils of
Anstruther
Wester,
Earlsferry,
Lauder, and
North
Berwick.

104. Where any trust, management, or direction of any charitable or other institutions is vested in any number of deacons, or in a deacon convener, or convener of trades, or in any dean of guild, or other office bearers elected, or hereafter to be elected by the several crafts, trades, guildries, or merchants or trades houses, then and in all such cases the persons so elected as such deacons, conveners, deans of guild, or other officers shall always be and continue trustees and managers of such charities or institutions, whether such persons shall hereafter be members of council or not; and the town councils shall in no such case have power to elect from their own body any other trustees or managers in place of such deacons, conveners, deans of guild, or other officers: Provided always, that in any burgh in which trades councillors or merchant councillors are or may be ex-officio trustees or directors of any such institutions or charities, the convenery or trades house and the guildry or merchants house in such burghs shall elect an equal number from their own bodies respectively to be such trustees or directors, anything herein contained to the contrary notwithstanding.

Trusts vested
in deacons,
&c.
[3 & 4 W. 4.
c. 76. s. 23.]

105. It shall be lawful for the magistrates and council of any royal burgh, and they are hereby authorised and empowered to admit any elector in the burgh to the status of a burghess thereof, and that by a minute of the council thereof, and on payment of such entry money, not exceeding in any case the sum of one pound, as the council of the burgh may from time to time fix, which entry money shall be accounted part of the common good of

Admission of
burghesses by
minute of
council.
[23 & 24
Vict. c. 47.
s. 2.]

A.D. 1900. — the burgh and be applied accordingly: Provided always that such admission by minute of council shall not, per se, be held to give or imply any right or title to or interest in the properties, funds, or revenues of any of the guilds, crafts, or incorporations of the burgh, or any mortification or benefactions for behoof of the 5 burgesses of such guilds, crafts, or incorporations, or of their families, or any right of management thereof, or any membership in any of the said guilds, crafts, or incorporations.

Qualification
of burgesses.
[39 Vict.
c. 12. s. 1.]

106. Every person in Scotland of full age, liable to be rated for the relief of the poor, who at the term of Whitsunday one 10 thousand nine hundred, or any succeeding term of Whitsunday in any year, shall have occupied any house, warehouse, counting-house, shop, or other building within any burgh in which there are burgesses, during the whole of that year and the whole of the two preceding years, and who, during the time of such occu- 15 pation, shall have been an inhabitant householder within the said burgh, and who shall have been rated in respect of such premises so occupied within the burgh to all rates made for relief of the poor of the parish wherein such premises are situated during the time of his occupation as aforesaid, and who shall have paid, on or before 20 the last term of Whitsunday as aforesaid, all such rates, together with all burgh rates, if any, as shall have become payable in respect of such premises, except such as shall have become payable within six calendar months next before the said last term of Whitsunday shall be, subject to the conditions herein-after contained, a burgess 25 of such burgh, so long as such person shall occupy premises, and be rated and pay rates in manner aforesaid within the same: Provided that the premises in respect of the occupation of which any person shall have been so rated need not be the same premises or in the same parish, but may be different premises in the same parish or 30 different parishes: Provided also, that no person being an alien, and no person who, within twelve calendar months next before the last term of Whitsunday, shall have received parochial relief or any pension or charitable allowance from the town council revenues of such burgh, or from any corporate body within the same, shall by 35 virtue of this Act be held to be a burgess of such burgh so long as he continues to receive such pension or charitable allowance: Provided further, that no person shall be disqualified from being a burgess as aforesaid by reason that any child of such person shall have been admitted and taught within any endowed school. 40

Saving of
existing laws
and usages

107. Nothing herein contained shall interfere with any existing law or legal usage by which burgesses are created or admitted in any

burgh, or give or imply any right or title to or interest in any merchants house or trades house or any patrimonial lands, common or other properties, funds, or revenues of any of the guilds, burgesses of guild, crafts, or incorporations of the burgh, or to or in any burgess
 5 acres, or any grazing rights connected therewith, or any mortifications or benefactions for behoof of the members of such guild, burgesses of guilds, crafts, or incorporations, or of their families, or any right or management thereof, or any membership in any of the said guilds, burgesses of guild, crafts, or incorporations, or of such burgess
 10 acres: Provided that the widows and children of burgesses admitted under this Act, or any of the Acts hereby repealed, and who may die during the period of their burgess-ship, shall have and enjoy all the rights and privileges which the widows and children of burgesses created or admitted in any other manner now enjoy by
 15 the law and practice of Scotland.

A.D. 1900.
 as to admis-
 sion of bur-
 gesses.
 [39 Vict.
 c. 12. s. 2.]

108. In the event of the magistrates and council of any burgh entitled to do so resolving, in terms of the Act passed in the thirty-third and thirty-fourth years of the reign of Her Majesty, chapter forty-two, to abolish any petty customs and duties, and
 20 in lieu thereof to levy, by way of assessment, a rate or rates not exceeding the rate or rates mentioned in the said Act, calculated to yield in the whole in the year an amount equal to the nett yearly amount of such petty customs, it shall be lawful to calculate such nett yearly amount with reference to the produce of
 25 the petty customs or duties levied in such burgh in the year ending Whitsunday one thousand eight hundred and seventy-six.

Rate in lieu
 of petty
 customs.
 [39 Vict.
 c. 12. s. 3.]

109. Nothing in this Act contained shall supersede, prejudice, or affect the provisions of any local Act applicable to any burgh, or the forms of prosecutions and procedure in use therein under
 30 such Act, and notwithstanding anything in this Act contained it shall be in the power of the town council of any of the burghs mentioned in Schedule II., of the Burgh Police (Scotland) Act, 1892, by a resolution passed at any time after the commencement of this Act, to declare that any sections or subsections of this Act
 35 relating to the minutes and proceedings of council, the officers of council, and accounts and corporate property specified in such resolution, shall not be applicable to such burgh, and that in lieu thereof the corresponding sections or subsections (if any) of an Act or Acts applying to such burgh repealed by this Act, which
 40 sections or subsections shall be specified in the resolution, shall notwithstanding such repeal, remain in force or revive within the burgh. Any resolution passed under this section shall be

Saving of
 local Acts,
 &c.

A.D. 1900.

transmitted to the Secretary for Scotland, who, if he is of opinion that it is within the powers conferred by this section, shall cause the same to be published in the "Edinburgh Gazette," and from and after such publication the resolution shall have effect as if it were enacted in this Act.

5

Boundaries
of Royal
Burghs for
purposes
of the
Valuation
Acts.

110. Where the boundaries of a royal burgh which does not send, or contribute as a burgh, to send a member to Parliament, as determined under, and for the purposes of, the Valuation Acts, differ from the boundaries thereof for police purposes, the boundaries of the said royal burgh for police purposes shall, on and 10 after the fifteenth day of May one thousand nine hundred and one, be also the boundaries thereof under and for the purposes of the Valuation Acts.

Notice to
Board of
Agriculture.

111. Where the boundary of a burgh or of a ward is fixed for the first time or altered under the provisions of the Burgh Police 15 (Scotland) Act, 1892, or this Act, the Council shall, as soon as may be after the boundary is fixed or altered, obtain and send to the Board of Agriculture copies of the deliverance or order fixing or altering the boundary, and of any plan therein referred to, certified by the sheriff clerk or sheriff clerk depute.

20

Special
provisions
for City and
Royal
Burgh of
Edinburgh.

112. With regard to the City and Royal Burgh of Edinburgh the following provision shall have effect :—

Until such a re-arrangement of the wards is effected as shall make the boundary of the wards for parliamentary purposes coincide with those for municipal purposes, the operation of 25 section twenty-eight shall be suspended and a separate municipal register of voters shall be made up by the assessor with regard to which the same procedure shall be followed as is by the Registration Acts appointed to be followed with regard to the preparation, printing, publication, appeal, revision, 30 completion, authentication, and otherwise of the register of parliamentary voters for burghs, and the distinctive marks by this Act directed to be placed on the parliamentary register shall be placed upon the said municipal register.

Application
to court in
cases of diffi-
culty.
[Burgh
Police Act,
s. 17.]

113. Wherever it has, from a failure to observe any of the 35 provisions of this Act or any other Act, or from any other cause, become impossible to proceed with the execution of this Act or any part thereof, or wherever difficulty or dubiety exists as to the procedure to be followed in any case, or where any case arises in connexion with the election of councillors or magistrates not 40 provided for by this Act, it shall be lawful for the town council or

any seven electors or householders within the burgh, or for the returning officer at any election, or the town clerk, to present a petition in manner provided by section seventeen of the Burgh Police (Scotland) Act, 1892, and the same procedure shall follow
 5 upon said petition, and the court to whom the same is presented shall have the same powers, as is provided by the said section in regard to applications presented thereunder.

A.D. 1900.

114. Where any application under this Act falling to be made to the sheriff is dealt with in the first instance by the sheriff-
 10 substitute, there shall be an appeal to the sheriff, but, subject thereto, the decision of the sheriff or sheriff-substitute shall in all cases (except where otherwise provided) be final. Where a burgh is situated in more counties than one, any application under this Act shall be presented to the sheriffs of the counties in which the
 15 burgh is situated, and shall be dealt with in manner provided by the Burgh Police (Scotland) Act, 1892, with regard to applications under that Act presented to two or more sheriffs, and in the event of the sheriffs differing in opinion the matter shall be dealt with in manner provided by that Act. All deliverances pronounced by any
 20 sheriff or sheriffs or the Court of Session under this Act shall be recorded in the sheriff court books of the county, and in the books, if any, of the burgh to which they apply.

Applications
to the sheriff.
[Burgh
Police Act,
ss. 13, &c.]

115. No misnomer, inaccurate description of any person or place, omission, mistake, or informality in any writing made in, or as
 25 nearly as may be in, the form of any schedule to this Act annexed, or in any list, register, or notice, or other writing made under the authority of this Act, shall in any way prevent or abridge the operation of this Act, or the validity of any election or other proceeding thereunder, provided that any person or place mentioned
 30 shall be so designated as to be commonly understood, and such omission, mistake, or informality be not such as to defeat the object of such writing, or cause substantial injustice to any person affected thereby.

Misnomers,
&c. not to
affect valid-
ity of pro-
ceedings.
[3 & 4 W. 4.
c. 76. s. 35.]

A.D. 1900.

SCHEDULES to which this Act refers.

SCHEDULE I.

ENACTMENTS REPEALED.

Session and Chapter.	Title of Act.	Extent of Repeal.	
3 Geo. 4. c. 91. -	An Act for regulating the mode of accounting for the common good and revenues of the Royal burghs of Scotland.	The whole Act.	5
3 & 4 Will. 4. c. 76. -	An Act to alter and amend the laws for the election of magistrates and councillors of the Royal burghs in Scotland.	The whole Act.	10
3 & 4 Will. 4. c. 77. -	An Act to provide for the appointment and election of magistrates and councillors for the several burghs and towns of Scotland which are now returning or contributing to return members to Parliament, and are not Royal burghs.	The whole Act.	15
15 & 16 Vict. c. 32. -	An Act to alter and amend certain provisions in the laws relating to the number and election of magistrates and councillors in the burghs in Scotland.	The whole Act.	20
19 & 20 Vict. c. 58. -	An Act to amend the law for the registration of persons entitled to vote in the election of members to serve in Parliament for burghs in Scotland.	Section 32.	25
23 & 24 Vict. c. 47. -	An Act to amend the law relative to the legal qualifications of councillors, and the admission of burgesses in Royal burghs in Scotland.	The whole Act.	30
24 & 25 Vict. c. 36. -	An Act to amend the boundaries of Burghs Extension (Scotland) Act.	The whole Act.	35

A.D. 1900.

Session and Chapter.	Title of Act.	Extent of Repeal.
31 & 32 Vict. c. 108. -	The Municipal Elections Amendment (Scotland) Act, 1868.	The whole Act.
5 33 & 34 Vict. c. 92. -	The Municipal Elections Amendment (Scotland) Act, 1870.	The whole Act.
35 & 36 Vict. c. 33. -	The Ballot Act, 1872 - -	Subsection (2) of section twenty-two.
10 39 Vict. c. 12. - -	An Act to assimilate the law of Scotland to that of England respecting the creation of burghs.	The whole Act.
39 & 40 Vict. c. 25. -	An Act to amend the law of Scotland in regard to the division of burghs into wards.	The whole Act.
15 44 Vict. c. 13. - -	The Municipal Elections Amendment (Scotland) Act, 1881.	The whole Act.
48 Vict. c. 10. - -	The Municipal Voters Relief Act, 1885.	The whole Act as regards Scotland.
20 55 & 56 Vict. c. 55. -	The Burgh Police (Scotland) Act, 1892.	Section eleven, from the words "And where not divided," to the word "Re-arrangement" inclusive, and the words "and wards," wherever they occur, section fourteen, section twenty-four, sections twenty-eight to forty-one inclusive, section forty-four, sections fifty to fifty-four inclusive, section fifty-five, sub-section (2), sections sixty one to seventy-two inclusive, Schedule IX.
25		
30		
35		
40 57 & 58 Vict. c. 18. -	The Burgh Police (Scotland) Act, 1892, Amendment Act, 1894.	The whole Act.
57 & 58 Vict. c. 58. -	The Local Government (Scotland) Act, 1894.	The words "or municipal" "and municipal" when they occur in section eleven.

SCHEDULE II.

A.D. 1900.
[Burgh Police
Act, s. 29.]

NUMBER OF MAGISTRATES AND COUNCILLORS.

Population of Burgh.	Number of Councillors, including Magistrates.	Number of Magistrates, including Provost.	
Under 10,000 - - - -	9	3	5
Between 10,000 and 20,000 - - -	12	5	
Between 20,000 and 50,000 - - -	15	5	
Between 50,000 and 100,000 - - -	18	7	
Between 100,000 and 200,000 - - -	36	9	10
Between 200,000 and 500,000 - - -	75	12	
500,000 and upwards - - - -	90	15	

The sheriff may, where the population is less than 20,000, fix the number of councillors at 12 or 15, and where the population is between 50,000 and 100,000, at 21 or 24, if he thinks fit so to do.

15

SCHEDULE III.

FORMS OF NOTICE OF ELECTION.

(1.) *Form applicable to a Burgh not divided into Wards.*

Burgh of
Municipal election, 19

20

In terms of the Town Councils (Scotland) Act, 1900, notice is hereby given

1. That the annual election of councillors to supply the vacant places in the town council of the burgh, will, in the event of there being a poll, take place on Tuesday the day of November next, between the hours of eight o'clock forenoon and eight o'clock afternoon, at the places following, viz. :—

[Here specify the polling place or places.]

to elect councillors in the place of

[Here mention names of councillors retiring, and cause of retiral, whether by rotation or as having been elected ad interim, or otherwise.]

2. That no person can be elected to the office of councillor whose name is not intimated to me before four o'clock afternoon of Tuesday the

day of October current; that all withdrawals of persons nominated must be intimated to me before four o'clock afternoon on Thursday the day of October current, and that all intimation must be delivered at my office situated at *[here specify address of office]*. A.D. 1900.
--

5 3. That every person proposed for election as a councillor must be nominated by a separate nomination paper in the terms of Schedule IV. of the said Act, and every such nomination paper must be signed by two electors whose names appear on the municipal register, and must contain an assent thereto, signed by five such electors, and the written consent of the nominee, or a law agent
10 duly authorised by him.

4. That in the event of the number of persons so nominated, and not subsequently withdrawn, not exceeding the number of vacancies, there will be no poll, and the persons so nominated will, on the day appointed for declaring the election, be declared duly elected as councillors.

15 5. That copies of the municipal register and forms of nomination and withdrawal papers may be had at my office above mentioned, on and after the 21st October current.

A. B., Town Clerk.

[Date.]

20 (2.) *Form applicable to a Burgh divided into Wards.*

Burgh of

Municipal election, 19

In terms of the Town Councils (Scotland) Act, 1900, notice is hereby given

1. That the annual election of councillors to supply the vacant places in
25 the town council of the burgh will, in the event of there being a poll, take place on Tuesday, the day of November next, between the hours of eight o'clock forenoon and eight o'clock afternoon, at the places after-mentioned.

First ward.

30 Polling place—*[here specify polling place or places]*.

To elect councillors in place of

[Here mention names of councillors retiring, and cause of retiral, whether by rotation or as having been elected ad interim, or otherwise.]

35 Second ward.

[As above, and so on through the whole number of wards.]

2. That no person can be elected to the office of councillor whose name is not intimated to me before four o'clock afternoon of Tuesday the day of October current; that all withdrawals of persons nominated must be
40 intimated to me before four o'clock afternoon of Thursday the day of October current, and that all intimations must be delivered at my office situated at *[here specify address of office]*.

[265.]

F 2

A.D. 1900.

—

3. That every person proposed for election as a councillor must be nominated by a separate nomination paper in the terms of Schedule IV. of the said Act, and every such nomination paper must be signed by two electors of the ward to which the same applies, whose names appear on the municipal list, and must contain an assent thereto signed by five such electors, and the written consent of the nominee or a law agent duly authorised by him. 5

4. That in the event of the number of persons so nominated in any of the wards, and not subsequently withdrawn, not exceeding the number of vacancies, there will be no poll in such ward, and the persons so nominated will, on the day appointed for declaring the election, be declared duly elected as councillors. 10

5. That copies of the municipal list and forms of nomination papers may be had at my office above mentioned, on or after the 21st October current.

A. B., Town Clerk. 15

[Date.]

SCHEDULE IV.

FORM OF NOMINATION PAPER AND ASSENT.

[Burgh Police
Act, Sched.
IX.]

We, A. B. [*here insert name and place of abode as in the municipal register*] and C. D. [*here insert name and place of abode as aforesaid*], hereby propose and nominate E. F. [*here insert name and place of abode as aforesaid*] for election as a councillor [*when the burgh is divided into wards add here,—for the* ward,—*specifying ward*] at the next ensuing municipal election in the burgh of [*specify burgh*]. 20

Given under our hand this [*insert date*]. 25

A. B.

C. D.

We, the undersigned, being registered municipal electors of the burgh of [*when the burgh is divided into wards add here—for the* ward,—*specifying ward*], do hereby assent to the nomination of the said E. F. as councillor, as above mentioned. 30

G. H., of }
I. J., of }
K. L., of } [*Insert place of abode as*
M. N., of } *in municipal register.* 35
O. P., of }

I, the nominee for election, consent.

E. F.

To the town clerk of

SCHEDULE V.

A.D. 1900.
[Burgh Police
Act, Sched. X.]

FORM OF WITHDRAWAL PAPER.

The nomination of *E. F.* [*here insert name and place of abode of candidate as in the municipal register*] for election as a councillor [*when the burgh is divided into wards add here—for* ward—*specifying ward*] at the next ensuing municipal election in the burgh of [*specifying burgh*] is hereby withdrawn.

Given under our hand, this [*insert date*].

To the town clerk of

10SCHEDULE VI.

FORM OF NOTICE OF CANDIDATES NOMINATED.

Burgh of

In terms of the Town Councils (Scotland) Act, 1900, I hereby give notice that I have received intimation that the following persons are proposed for
15 election as councillors in this burgh at the municipal election on Tuesday next.

[31 & 32 Vict.
c. 108. Sched.
C.]

Ward.	Name of Candidate.	Place of Abode of Candidate.	Names of Proposers.	Place of Abode of Proposers.
I.				
20 II.				
III.				

[*In case of withdrawal*] And I further give notice that I have received before four o'clock afternoon of Thursday last, a notice of withdrawal of the candidature of the said [*here insert name of candidate withdrawn*], signed by
25 [*here insert names of persons signing*].

A D. 1900. [In case of the number of persons nominated not exceeding the vacancies in any ward] And I further give notice that in respect the number of persons proposed and not withdrawn for election as councillors in the [specify number] ward does not exceed the number of vacancies to be supplied in the said ward, there will be no poll in that ward, and the persons so proposed will, on the 5 day appointed for declaring the election, be declared to be elected councillors of the burgh.

A. B., Town Clerk.
[Date.]

Town Councils (Scotland).

A

B I L L

[AS AMENDED BY THE STANDING COMMITTEE
ON LAW, &C.]

To consolidate and amend the Law relating
to the Election and Proceedings of Town
Councils in Scotland.

*(Prepared and brought in by
Mr. Asher, Sir Herbert Maxwell, Mr. Thomas Shar,
Dr. Clark, Mr. Parker Smith, Mr. Cross,
Mr. Gordon, and Mr. Dewar.)*

*Ordered, by The House of Commons, to be Printed,
22 June 1900.*

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[Bill 265.] +—

LORDS AMENDMENTS
TO THE
TOWN COUNCILS (SCOTLAND) BILL.

[The page and line refer to Bill 145 as first printed by the Lords.]

Page 1.

Line 24, leave out from ("Parliament") to end of subsection and insert ("police burgh and any other burgh within the meaning of the Burgh Police (Scotland) Act, 1892, to which that Act applied from its commencement")

Page 2.

Line 8, after ("baillee") insert :

(10.) "Municipal area" shall mean the area within the municipal boundary

Line 11, leave out ("boundaries") and insert ("boundary")

Line 17, leave out ("this or any other") and insert ("any")

Line 20, leave out ("same meaning as") and insert ("meaning assigned to it")

Line 22, leave out subsection (13).

Line 38, after ("twenty-seven") insert :

(19.) "Treasurer" shall mean the salaried officer discharging treasurer's duties ;

Page 3.

Line 8, leave out from ("Act") to ("the") in line 10.

Line 13, after ("law") insert ("Every reference in any Act of Parliament to the commissioners of a police burgh shall in the case of a police burgh constituted after the commencement of this Act be read and construed as referring to the council thereof, and")

[Bill 319.]

A

Page 3.

Line 18, leave out from the beginning of clause 8 to ("and ")
in line 24, and insert ("In any burgh the whole rights,
" powers, authorities, duties, liabilities, debts, officers, and
" servants (a) of commissioners under the Burgh Police
" (Scotland) Act, 1892, and (b) of any body of police,
" gas, or water commissioners, consisting exclusively of
" members of the town council, and of (c) the burgh local
" authority under the Public Health (Scotland) Act, 1897,
" and the whole lands, works, and other assets vested in
" them respectively shall, in so far as this has not already
" been effected, be transferred to, imposed on")

Line 27, after ("Parliament") insert ("byelaw, regulation,
" order")

Line 30, after ("council") insert ("or to the individual
" councillors as the case may be")

Line 34, after ("powers") insert ("of police, gas, or water
" commissioners, or of the local authority")

Line 35, after ("therefor") insert ("Provided that nothing in
" this section or Act contained shall be held to amalgamate
" any burghs or the councils thereof, or any funds or other
" assets separately administered at the commencement of
" this Act, or to alter any rating area, or to add to or
" diminish or otherwise affect existing security for debt or
" existing burdens on any common good, or to make
" competent any payment or any giving in security, or any
" addition to the burden on any common good, which before
" the commencement of this Act would have been
" incompetent")

Line 36, leave out ("shall") and insert ("may")

Page 4.

Line 3, after ("adhibited") insert ("Provided that such
" signature shall not operate to make any person so signing
" personally liable for the repayment of any debt or the
" fulfilment of any obligation incurred by the town
" council")

Line 20, leave out ("number of the population?") and insert
("population within the municipal boundary")

Page 5.

Line 20, leave out ("subsection (a)")

Page 5.

Line 39, leave out from (" until ") to end of clause, and insert :

- (1.) He voluntarily resigns; or
- (2.) His disqualification has been determined by an election court under and within the meaning of the Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890, on a petition presented within the time specified by said Act, by the town council or by any four or more electors, or, in the case of disqualification alleged to exist at the time of nomination or election, by any candidate opposing him at the election, provided that the last-mentioned Act shall be held to apply to the said petition and procedure thereon, and provided that in the case of any continuing disqualification it shall be competent to present such petition at any time while the disqualification subsists; and provided also that if in the opinion of the election court any disqualified person has in the knowledge of his disqualification made an oath or declaration de fidei, or taken his seat in the town council, it shall be in the power of the court to impose on him a fine not exceeding one hundred pounds, which fine shall be paid to the town council and applied in such manner as they may direct; or
- (3.) A resolution declaring his office vacant has been passed by the town council at a meeting of which notice shall be given to the councillor in question and to the other councillors of the burgh at least three days before the date of such meeting; provided that the said councillor shall be entitled to appeal against any such resolution by lodging a note of appeal within fourteen days after the date of such resolution in manner provided by section three hundred and thirty-nine of the Burgh Police (Scotland) Act, 1892; and provided further that no such appeal shall entitle the said councillor to vote and act as a councillor while the same is pending.

Page 6.

Line 24, leave out from (" and ") to (" shall ") in line 27 and insert (" the number of councillors for each ward under the
" existing law differ from the proportion specified in the
" immediately preceding section, such numbers")

Page 7.

Line 3, after (" proper ") insert (" and after hearing all parties
" interested ")

[319.]

A 2

Page 7.

Line 20, leave out ("property") and insert ("lands and
" heritages")

Line 32, after ("wards") insert ("under the provisions of this
" Act")

Line 39, leave out ("district") and insert ("districts")

Page 8.

Lines 3 and 4, leave out ("the ownership or occupancy of")

Lines 6 and 7, leave out ("the ownership or occupancy of")

Line 10, after ("another") insert ("or their residing more
" than seven miles beyond some part of the municipal
" boundary")

Line 16, leave out ("property") and insert ("premises")

Page 9.

Line 1, leave out ("the ownership or occupancy of")

Line 12, leave out ("the ownership or occupancy of")

Lines 22 and 23, leave out ("the ownership or occupation of")

Line 24, after ("burgh") insert ("who would have been
" entitled to vote in the election of a member of Parliament
" if such area had been within the parliamentary boundary
" of the burgh")

Line 28, leave out from ("rate") to ("shall") in line 32.

Page 10.

Line 8, leave out from ("exemption") to ("from") in line 9.

Line 12, after ("shall") insert ("if necessary")

Line 22, leave out from ("Where") to ("remaining") in
line 30, and insert ("the municipal area of any burgh not
" returning or contributing to return a member or members
" to Parliament is situated in whole or in part within the
" parliamentary boundaries of any other burgh, the duties
" of the assessor under this Act shall be performed, as
" regards the area or part so situated, by the assessor for
" such other burgh, and as regards any")

Page 11.

Line 3, leave out from ("year") to the end of the clause.

Line 18, after ("one-third") insert ("Provided that where
" under the existing practice the number to retire in any
" ward of a burgh is not that herein prescribed, such
" practice shall continue until an alteration of the number
" of councillors or the number or boundaries of wards is
" effected in such burgh in terms of this Act")

Page 11.

Line 19, leave out ("one-third to retire shall") and insert
("number to retire shall without prejudice to any existing
" practice so long as no alteration as aforesaid is effected
" in terms of this Act")

Line 21, leave out ("said one-third") and insert ("number to
" retire")

Line 31, leave out ("the event of") and insert ("case")

Page 12.

Line 18, after ("notice") insert ("Provided that any vacancy
" so occurring under heading (e.) or under heading (f.)
" aforesaid may, if the town council so resolve, be filled up
" ad interim as soon as may be by a special election by the
" electors, and such election shall be held as nearly as may
" be under the provisions of this Act, and the returning
" officer at such election shall, subject to the approval of
" the town council, fix the date of the election, and shall
" fix the dates for the issue of all necessary notices, and for
" lodging and withdrawing nomination papers, so that the
" intervals between such respective dates shall be the same
" as in the case of ordinary elections under this Act")

Line 29, leave out ("one-third") and insert ("places of the
" councillors")

Page 13.

Line 4, leave out ("by the town council") and insert ("in
" terms of section thirty-six"), and after the third ("the")
insert ("next")

Line 5, leave out ("of said year")

Line 8, leave out ("third") and insert ("number")

Line 17, leave out ("the ownership or occupancy of")

Line 26, leave out ("Between") and insert ("On any day
" during the period between and including")

Line 31, leave out the first ("within") and insert ("during"),
and leave out ("circulating") and insert ("or newspapers
" published")

Line 32, after ("newspaper") insert ("or newspapers")

Line 33, leave out ("county in which the burgh is situated")
and insert ("burgh")

Page 14.

Line 19, leave out ("his") and insert ("by his two")

Lines 30 and 31, leave out ("of all withdrawals intimated to
" him") and insert ("not withdrawn")

Page 15.

Lines 24 and 25, leave out (" under the Act ")

Page 16.

Line 12, after (" intimate ") insert (" his acceptance of office "),
and after (" writing ") insert (" subscribed by himself or a
" law agent duly authorised by him ")

Line 14, leave out (" his acceptance of office ")

Line 17, leave out clause 54.

Line 22, after (" candidates ") insert (" who cannot all be
" elected ")

Line 24, after clause 55, insert clause A. :

Application
to county
and parish
council
elections.

A. This Act shall be deemed to be an enactment regulating the election of town councillors referred to in the Local Government (Scotland) Act, 1889, and the Local Government (Scotland) Act, 1894, and to be an enactment by the said Acts applied to the elections referred to in section sixteen of the last cited Act: Provided that a county council or the returning officer at an election of county councillors may refer to the Secretary for Scotland any question that may arise in consequence of the passing of this Act in regard to the procedure at such an election, and the determination of the Secretary for Scotland as signified by order thereon shall be final.

Page 17.

Line 6, after (" meeting ") insert (" and shall have a casting
" vote in case of equality ")

Line 19, leave out (" supernumerary ")

Line 21, leave out (" one-third ") and insert (" number ")

Line 31, after (" office ") insert (" under this Act or the Burgh
" Police (Scotland) Act, 1892 ")

Line 33, leave out (" shall ") and insert (" may ")

Line 39, leave out (" act as judges ") and insert (" sit as
" magistrates ")

Page 18.

Line 1, leave out (" the persons ") and insert (" any person "),
and after (" appointed ") insert (" and sitting ")

Line 2, leave out (" now ")

Line 3, leave out (" the magistrates ") and insert (" any other
" magistrate "), and leave out from (" burgh ") to end of
clause, and insert (" sitting in such court ")

Line 12, after (" this ") insert (" section ")

Page 18.

- Line 13, after ("section") insert ("the word"), and leave out ("member of council") and insert ("councillor")
- Line 14, leave out ("honorary"), and after ("of") insert ("honorary")
- Line 39, leave out ("declared") and insert ("determined or
"office declared vacant")

Page 19.

- Line 13, leave out ("therein")
- Line 14, after ("to") insert ("in the first-cited section")
- Line 27, leave out ("funds") and insert ("common good")

Page 21.

- Line 38, after ("clerk") insert ("in such burghs respectively")
- Line 40, after ("that") insert ("in such case"), and leave out ("clerks of any such burgh") and insert ("clerk")

Page 22.

- Line 25, after ("Act") insert :

During any vacancy in the office of town clerk any duty of the town clerk may be performed by any depute who may have been appointed by the last holder of the office, and all intimations required to be made to the town clerk may be made to such depute; and failing such depute, any duty of the town clerk in relation to the issue of notices for meetings of the council or the conduct of any election may be performed by and all such intimations may be made to the provost or acting chief magistrate. It shall further be in the power of the town council in case of any vacancy to make an interim appointment to the office of town clerk, to endure until the appointment of a successor, and during the period of such interim appointment all things required or authorised by law to be done by or to the town clerk may be done by or to the person so appointed.

- Line 41, after ("by") insert ("order under the head of")

Page 24.

- Line 25, after ("levied") insert ("or funds managed")
- Line 35, leave out ("honorary"), and after ("of") insert ("honorary")
- Line 38, after ("of the") insert ("salaried")

Page 25.

Line 5, leave out ("and all assessments levied by them")

Line 6, after ("property") insert ("and of all rates or assessments levied"), and leave out ("disbursed") and insert ("expended by or on account of the council")

Transpose clause 94 to follow clause 96.

Line 37, leave out ("said") and insert ("yearly")

Lines 37 and 38, leave out ("as herein-after provided")

Line 39, after ("and") insert ("the auditor's confirmation or special report shall be read at such meeting, and the account")

Page 26.

Line 1, leave out ("said") and insert ("such")

Line 3, leave out ("any") and insert ("the auditor's confirmation or"),

Lines 3 and 4, leave out ("by the auditor")

Line 19, after ("1881") insert:

Any ratepayer or elector who shall be dissatisfied with any such account or any item therein may complain against the same by petition to the sheriff specifying the grounds of objection, and the sheriff shall hear and determine the matter of complaint, and his decision shall be subject to the same right of appeal as in ordinary actions in the sheriff court Provided always that it shall not be competent to petition the sheriff after the lapse of three months from the date of the meeting aforesaid.

Line 36, leave out from ("repaid") to end of clause 96.

Page 27.

Line 21, after ("newspaper") insert ("or newspapers")

Line 22, leave out ("or in the county wherein the burgh is situated")

Page 28.

Line 7, leave out from ("respectively") to ("the") in line 8.

Page 29.

Line 6, leave out from ("number") to ("the") in line 7 and insert ("of councillors or the number to retire")

Line 10, after ("burgh") insert ("and in any burgh where under the existing law it has been the custom of the town council to appoint a councillor to perform the duties and functions formerly performed by the dean of guild in

“ such council, or in any dean of guild court of such burgh,
“ the council may continue to make such an appointment,
“ and the whole provisions of this Act relating to the
“ appointment, tenure, vacating office, and supply of
“ vacancies applicable to a baillie shall be applicable to the
“ councillor so appointed ”)

Page 31.

Line 27, leave out from the beginning of clause 109 to
 (“ notwithstanding ”) in line 30.

Line 34, leave out (“ commencement ”) and insert (“ passing ”)

Line 35, after (“ to ”) insert (“ the constitution and government
 “ of burghs ”)

Page 32.

Line 6, leave out (“ send ”) and insert (“ return ”), and leave
 out (“ as a burgh, to send ”) and insert (“ to return ”), and
 after (“ member ”) insert (“ or members ”)

Lines 7 and 8, leave out (“ Valuation Acts ”) and insert (“ Land
 “ Valuation (Scotland) Act, 1854, and any Acts amending
 “ the same ”)

Line 15, after (“ this ”) insert (“ or any other ”)

Page 33.

Line 33, after clause 115 insert clauses B. and C. :

B. Nothing in this Act contained shall affect the rights, powers, or authorities of any county council or district committee of a county council or local authority of a county or a district of a county under the Public Health (Scotland) Act, 1897 ; or prejudice the provisions of subsections one and two of section eighty-one of the Local Government (Scotland) Act, 1889, as amended by section forty-four of the Local Government (Scotland) Act, 1894.

Saving for
rights, &c.
under
60 & 61 Vict.
c. 38 ;
52 & 53 Vict.
c. 50 ; and
57 & 58 Vict.
c. 58.

C. Nothing in this Act contained shall supersede, prejudice, or affect the provisions of any local Act applicable to any burgh or the forms of prosecutions and procedure in use therein under such Act.

Saving of
Local Acts,
&c.

Page 34.

Schedule I., column 2, line 11, leave out (“ councillors ”) and
 insert (“ councils ”)

[319.]

B

Page 35.

Schedule I., column 1, line 17, leave out ("10") and insert ("9")

column 3, line 23, leave out ("inclusive")

line 26, after ("occur") insert ("section
" thirteen, the words 'or of wards of a burgh'")

line 28, after ("twenty-four") insert
("section twenty-six, the word 'herein-after' where first
" occurring, and from the words 'and he shall preside' to
" end of section")

line 38, after ("IX.") insert ("Sche-
" dule X.")

Line 44, after ("eleven") insert ("subsection six of section
" thirteen, and in section fifteen, the words 'and burgh
" ' commissioners for town council or town councillors'")

Page 37.

Schedule III., line 16, leave out ("and") and insert ("or")

Page 38.

Line 5, leave out ("list") and insert ("register")

Line 13, leave out ("list") and insert ("register")

Schedule IV., lines 20, 21, 22, and 35, after ("*abode*") insert
("and register number")

Page 39.

Schedule V., line 3, after ("*abode*") insert ("and register
" number")

Schedule VI., leave out lines 22 to 25.

Page 40.

Line 2, after ("any") insert ("*burgh or*")

Line 3, after ("the") insert ("burgh [or when the burgh is
" divided into wards, in the")

Line 4, after ("supplied") insert ("[when the burgh is divided
" into wards, add")

Line 5, after ("poll") insert ("[when the burgh is divided
" into wards, add")

LORDS AMENDMENTS
TO THE
TOWN COUNCILS (SCOTLAND)
BILL.

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[Bill 319.]

Town Holdings Bill.

MEMORANDUM.

The Bill is not retrospective, but any agreement inconsistent with its provisions is declared null and void.

The landlord is protected in respect of any benefit allowed or breach of covenant, and may obtain power from the court to charge his estate with the amount of compensation.

The tenant claiming compensation must give at least two months' notice of his intention, and the amount payable may either be agreed or settled by reference, according to the Arbitration Act, 1889, or, in case of dispute, by a referee to be appointed by the Local Government Board. The tenant's property in fixtures, machinery, &c., is protected.

This Bill carries out the recommendation made in the final report of the Town Holdings Committee, that compensation should be given for improvements in certain cases, as follows:—“~~But~~ with regard to future contracts of tenancy the Committee feel that no injustice would be involved in such an alteration of the law as would entitle the tenant of trade or business premises on the expiration of his tenancy to compensation for such improvements as he may have *bonâ fide* made for the purpose of carrying on his trade or business, and as may have added to the permanent letting value of the premises.”

The procedure adopted is taken from the Agricultural Holdings Act, 1883.

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Town Holdings Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Commencement of Act.
3. Interpretation of terms.
4. Compensation for improvements.
5. Improvements executed before the commencement of Act.
6. Improvements executed after the commencement of this Act.
7. Compensation for improvements mentioned in schedule.
8. Regulation as to compensation for improvements.
9. Notice of intended claim.
10. Compensation agreed or settled by reference.
11. Appointment of referee.
12. Requisition for appointment of referee by Local Government Board.
13. Award to give particulars.
14. Recovery of compensation.
15. Appointment of guardian.
16. Provisions respecting married women.
17. Costs in county court.
18. Power for landlord on paying compensation to obtain charge.
19. Incidence of charge.
20. Provision in case of trustee.
21. Advance made by a company.
22. Tenant's property in fixtures, machinery, &c.
23. Landlord, archbishop or bishop.
24. Landlord, incumbent of benefice.
25. Landlord, charity trustees, &c.
26. Provision as to limited owners.

[Bill 180.]

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Clause.

- 27. Provision in case of reservation of rent.
- 28. Set off of compensation against rent.
- 29. Exclusion of certiorari.
- 30. Avoidance of agreement inconsistent with Act.
- 31. Right of tenant in respect of improvement purchased from outgoing tenant.
- 32. Provision as to change of tenancy.
- 33. Restriction in respect of improvements by tenant about to quit.

SCHEDULE.

A
B I L L

TO

Give Compensation to occupying Tenants of Town Holdings A.D. 1900.
for beneficial Improvements.

WHEREAS it is expedient to amend the law so as to give to certain occupying tenants compensation for beneficial improvements to their holdings:

Be it therefore enacted by the Queen's most Excellent Majesty,
5 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited for all purposes as the Town Holdings Short title.
Act, 1900.

10 2. This Act shall come into operation on the *first day of September one thousand nine hundred*, which date is herein-after Commence-
ment of Act.
referred to as the commencement of this Act.

3. In this Act the following words and expressions shall have Interpreta-
tion of terms.
the interpretations and meanings in this section assigned to them
15 respectively, unless there be something in the subject or context repugnant to such construction (that is to say):—

“Holding” includes any messuage, dwelling-house, shop, cottage,
chapel, or other building, and any buildings, yard, garden,
20 pleasure ground, or other piece of land used in connexion therewith, held in pursuance of a lease as defined by this Act, so that such buildings, yard, garden, pleasure ground, or other piece of land do not exceed three acres in extent:

“Contract of tenancy” means a letting of or agreement for the letting of premises for a term of years, or for lives, or for
25 lives and years, or from year to year:

A tenancy from year to year under a contract of tenancy current at the commencement of the Act shall for the purposes of this Act be deemed to continue to be a tenancy under a contract of tenancy current at the *commencement* of this

[Bill 180.]

A.D. 1900.

Act until the first day on which either the landlord or tenant of such tenancy could, the one by giving notice to the other immediately after the commencement of this Act, cause such tenancy to determine, and on and after such day as aforesaid shall be deemed to be a tenancy under a contract of tenancy beginning after the commencement of this Act :

“Determination of tenancy” means the cesser of a contract of tenancy by reason of effluxion of time, or from any other cause :

“Landlord” in relation to a holding means any person for the time being entitled to receive the rents and profits of any holding :

“Tenant” means the holder of premises under a landlord for a term of years, or for lives, or for lives and years, or from year to year :

15

“Tenant” includes the executors, administrators, assigns, legatee, devisee, or next-of-kin, husband, guardian, committee of the estate or trustees in bankruptcy of a tenant, or any person deriving title from a tenant; and the right to receive compensation in respect of any improvement made by a tenant shall enure to the benefit of such executors, administrators, assigns, and other persons as aforesaid :

20

“Holding” means any premises held by a tenant :

“Occupying tenant” means any person living in or carrying on business in or on the occupying tenancy who either—

25

(a) holds as lessee under a lease ;

(b) holds a life lease ;

(c) has by himself or partners held and made use of the occupancy continuously with or without a lease for at least *twenty years* ;

30

(d) has succeeded his or her father, mother, husband, wife, brother, sister, or partner in the occupation with or without a lease when the successive tenure has existed for at least _____ years ;

(e) in case of business premises has purchased the business when such business has been carried on in or on the occupying tenancy for at least *twenty years* :

35

“Occupier” means a person residing in or carrying on business in or on a holding without regard to the length of his tenancy :

40

“Person” to include women.

4. Subject as in this Act mentioned, where the occupying tenant has made on his occupying tenancy any improvement comprised in the schedule hereto, he shall on and after the commencement of this Act be entitled on quitting his tenancy at the determination of a tenancy to obtain from the landlord as compensation under this Act for such improvement such sum as fairly represents the value of the improvement to be ascertained as herein-after mentioned.

A.D. 1900.

Compensation for improvements.

5. Compensation shall not be payable in respect of improvements executed before the commencement of this Act.

Improvements executed before the commencement of Act.

6. Compensation under this Act shall be payable in respect of any improvement mentioned in the schedule hereto, and executed after the commencement of this Act, unless the landlord, or his agent duly authorised in that behalf, has previously to the execution of the improvement and after the passing of this Act refused in writing the making of such improvement, and the umpire, as herein-after mentioned, shall have certified that such refusal was unreasonable on the part of the landlord.

Improvements executed after the commencement of this Act.

7. Compensation under this Act shall not be payable in respect of any improvement mentioned in the schedule hereto, and executed after the commencement of this Act, unless the occupying tenant has, not more than *three months* and not less than *two months* before beginning to execute such improvement, given to the landlord, or his agent duly authorised in that behalf, notice in writing of his intention so to do, and of the manner in which he proposes to do the intended work, and upon such notice being given the landlord and occupying tenant may agree on the terms as to compensation or otherwise on which the improvement is to be executed; and, in the event of any such agreement being made, any compensation payable thereunder shall be deemed to be substituted for compensation under this Act, or the landlord may, unless the notice of the occupying tenant is previously withdrawn, undertake to execute the improvement himself, and may execute the same in any reasonable and proper manner which he thinks fit, and charge the occupying tenant with a sum not exceeding *five pounds* per centum per annum on the outlay incurred in executing the improvement, or not exceeding such annual sum payable for a period of *twenty years* as will repay such outlay in the said period with interest at the rate of *five* per centum per annum, such annual sum to be recoverable as rent. In default of any such agreement or undertaking, and also in the event of the landlord failing to comply with his undertaking within a reasonable time, the occupying tenant

Compensation for improvements mentioned in schedule.

A.D. 1900. may execute the improvement himself, and shall in respect thereof be entitled to compensation under this Act.

Regulation
as to com-
pensation for
improve-
ments.

8. In the ascertainment of the amount of the compensation under this Act payable to the occupying tenant in respect of any improvement, there shall be taken into account in reduction 5 thereof—

(a.) Any benefit which the landlord has given or allowed to the occupying tenant in consideration of the occupying tenant executing the improvement.

(b.) Any sums due to the landlord in respect of rent or in respect 10 of any breach of covenant committed or permitted by the occupying tenant. Also, any rates or taxes due or becoming due in respect of the occupying tenancy to which the occupying tenant is liable as between him and the landlord.

There shall be taken into account in augmentation of the tenant's 15 compensation—

(c.) Any sum due to the occupying tenant for compensation in respect of a breach of covenant or other agreement connected with a contract of tenancy and committed by the landlord.

Notice of
intended
claim.

9. A tenant claiming compensation under this Act shall, *two* 20 *months* at least before the determination of the tenancy, give notice in writing to the landlord of his intention to make such claim.

Where a tenant gives such notice, the landlord may, before the determination of the tenancy, or within *fourteen days* thereafter, give a counter-notice in writing to the tenant of his intention to 25 make a claim in respect of any waste or any breach of covenant or other agreement.

Every such notice and counter-notice shall state, as far as reasonably may be, the particulars and amount of the intended claim. 30

Compensa-
tion agreed
or settled by
reference.

10. The landlord and the tenant may agree on the amount and mode and time of payment of compensation to be paid under this Act.

If in any case they do not so agree, the difference shall be settled by a reference. 35

Appointment
of referee.

11. Where there is a reference under this Act, a referee shall be appointed in accordance with the terms and provisions of the Arbitration Act, 1889, and for that purpose notice in writing by the tenant to the landlord or by the landlord to the tenant of his desire to appoint an arbitrator for a reference under this Act shall 40 be deemed to be a submission to arbitration within the meaning of the said Act.

A.D. 1900.

12. Provided that in case of dispute the referee shall be appointed by the Local Government Board for England.

Requisition for appointment of referee by Local Government Board.

13. The award shall not award a sum generally for compensation, but shall, so far as possible, specify—

Award to give particulars.

- 5 (a) the several improvements, acts, and things in respect whereof compensation is awarded, and the several matters and things taken into account under the provisions of this Act in reduction or augmentation of such compensation ;
- 10 (b) the time at which each improvement, act, or thing was executed, done, committed, or permitted ;
- (c) the sum awarded in respect of each improvement, act, matter, and thing ; and
- 15 (d) where the landlord desires to charge his estate with the amount of compensation found due to the tenant, the time at which, for the purposes of such charge, each improvement, act, or thing in respect of which compensation is awarded is to be deemed to be exhausted.

14. Where any money agreed or awarded to be paid for compensation, costs, or otherwise, is not paid within *fourteen days* after the time when it is agreed or awarded or ordered to be paid, it shall be recoverable, upon order made by the judge of the county court, as money ordered by a county court under its ordinary jurisdiction to be paid is recoverable.

Recovery of compensation.

15. Where a landlord or tenant is an infant without a guardian, or is of unsound mind, not so found by inquisition, the county court, on the application of any person interested, may appoint a guardian of the infant or person of unsound mind for the purposes of this Act, and may change the guardian if and as occasion requires.

Appointment of guardian.

16. Where the appointment of a person to act as the next friend of a married woman is required for the purposes of this Act, the county court may make such appointment, and may remove or change that next friend if and as occasion requires.

Provisions respecting married women.

- A woman married before the commencement of the Married Women's Property Act, 1882, entitled for her separate use to demised premises, her title to which accrued before such commencement as aforesaid, and not restrained from anticipation, shall, for the purposes of this Act, be in respect of demised premises as if she was unmarried.

45 & 46 Vict. c. 75.

- Where any other woman married before the commencement of the Married Women's Property Act, 1882, is desirous of doing any act under this Act in respect of the demised premises, her title to

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A.D. 1900. which accrued before such commencement as aforesaid, her husband's concurrence shall be requisite, and she shall be examined apart from him by the county court, or by the judge of the county court for the place where she for the time being is, touching her knowledge of the nature and effect of the intended act, and it shall 5 be ascertained that she is acting freely and voluntarily.

Costs in county court. 17. The costs of proceedings in the county court under this Act shall be in the discretion of the court.

The Lord Chancellor may from time to time prescribe a scale of costs for those proceedings, and of costs to be taxed by the registrar 10 of the court.

Power for landlord on paying compensation to obtain charge.

18. A landlord, on paying to the tenant the amount due to him in respect of compensation under this Act, or in respect of compensation authorised by this Act to be substituted for compensation under this Act, or on expending such amount as may be 15 necessary to execute an improvement under the schedule hereto, after notice given by the tenant of his intention to execute such improvement in accordance with this Act, shall be entitled to obtain from the county court a charge on the holding, or any part thereof, to the amount of the sum so paid or expended. 20

The court shall, on proof of the payment or expenditure, and on being satisfied of the observance in good faith by the parties of the conditions imposed by this Act, make an order charging the holding, or any part thereof, with repayment of the amount paid or expended, with such interest, and by such instalments, and 25 with such directions for giving effect to the charge, as the court thinks fit.

But, where the landlord obtaining the charge is not absolute owner of the holding for his own benefit, no instalment or interest shall be made payable after the time when the improvement in 30 respect whereof compensation is paid will, where an award has been made, be taken to have been exhausted according to the declaration of the award, and in any other case after the time when any such improvement will, in the opinion of the court, after hearing such evidence (if any) as it thinks expedient, have become 35 exhausted.

The instalments and interest shall be charged in favour of the landlord, his executors, administrators, and assigns.

The estate or interest of any landlord holding for an estate or interest determinable or liable to forfeiture by reason of his creating 40 or suffering any charge thereon, shall not be determined or forfeited by reason of his obtaining a charge under this Act, anything in any

deed, will, or other instrument to the contrary thereof notwithstanding. A.D. 1900.

Capital money arising under the Settled Land Act, 1882, may be applied in payment of any moneys expended and costs incurred by
 5 a landlord under or in pursuance of this Act in or about the execution of any improvement mentioned in the first or second parts of the schedule hereto, as for an improvement authorised by the said Settled Land Act; and such money may also be applied in discharge of any charge created on a holding under or in pursuance of this
 10 Act in respect of any such improvement as aforesaid, as in discharge of an incumbrance authorised by the said Settled Land Act to be discharged out of such capital money. 45 & 46 Vict. c. 38.

19. The sum charged by the order of a county court under this Act shall be a charge on the holding, or the part thereof charged
 15 for the landlord's interest therein; and for all interests therein subsequent to that of the landlord; but so that the charge shall not extend beyond the interest of the landlord, his executors, administrators, and assigns, in the tenancy where the landlord is himself a tenant of the holding. Incidence of charge.

20. Where the landlord is a person entitled to receive the rents and profits of any holding as trustee, or in any character otherwise than for his own benefit, the amount due from such landlord in respect of compensation under this Act, or in respect of compensation authorised by this Act to be substituted for compensation
 25 under this Act, shall be charged and recovered as follows and not otherwise; (that is to say,) Provision in case of trustee.

(1.) The amount so due shall not be recoverable personally against such landlord, nor shall he be under any liability to pay such amount, but the same shall be a charge on and recoverable
 30 against the holding only.

(2.) Such landlord shall, either before or after having paid to the tenant the amount due to him, be entitled to obtain from the county court a charge on the holding to the amount of the sum required to be paid or which has been paid, as the case
 35 may be, to the tenant.

(3.) If such landlord neglect or fail within *one month* after the tenant has quitted his holding to pay to the tenant the amount due to him, then after the expiration of such one month the tenant shall be entitled to obtain from the county court in
 40 favour of himself, his executors, administrators, and assigns, a charge on the holding to the amount of the sum due to him

A.D. 1900.

and of all costs properly incurred by him in obtaining the charge or in raising the amount due thereunder.

- (4.) The court shall on proof of the tenant's title to have a charge made in his favour make an order charging the holder with payment of the amount of the charge, including costs, in like manner and form as in case of a charge which a landlord is entitled to obtain.

Advance
made by a
company.

21. Any company now or hereafter incorporated by Parliament, and having power to advance money for the improvement of land, may take an assignment of any charge made by a county court under the provisions of this Act, upon such terms and conditions as may be agreed upon between such company and the person entitled to such charge; and such company may assign any charge so acquired by them to any person or persons whomsoever.

Tenant's
property in
fixtures,
machinery,
&c.

22. Where after the *commencement* of this Act a tenant affixes to his holding any machinery or other fixture, or erects any building for which he is not under this Act or otherwise entitled to compensation, and which is not so affixed or erected in pursuance of some obligation in that behalf or instead of some fixture or building belonging to the landlord, then such fixture or building shall be the property of and be removable by the tenant before or within a reasonable time after the termination of the tenancy.

Provided as follows:—

1. Before the removal of any fixture or building the tenant shall pay all rent owing by him, and shall perform or satisfy all other his obligations to the landlord in respect to the holding: 25
2. In the removal of any fixture or building the tenant shall not do any avoidable damage to any other building or other part of the holding: 30
3. Immediately after the removal of any fixture or building the tenant shall make good all damage occasioned to any other building or other part of the holding by the removal:
4. The tenant shall not remove any fixture or building without giving *one month's* previous notice in writing to the landlord of the intention of the tenant to remove it: 35
5. At any time before the expiration of the notice of removal the landlord, by notice in writing given by him to the tenant, may elect to purchase any fixture or building comprised in the notice of removal, and any fixture or building thus elected to be purchased shall be left by the tenant, and shall become the property of the landlord, 40

who shall pay the tenant the fair value thereof to an incoming tenant of the holding; and any difference as to the value shall be settled by a reference under this Act, as in case of compensation (but without appeal). A.D. 1900.

- 5 **23.** Where lands are assigned or secured as the endowment of a see, the powers by this Act conferred on a landlord shall not be exercised by the archbishop or bishop, in respect of those lands, except with the previous approval in writing of the Estates Committee of the Ecclesiastical Commissioners for England. Landlord, archbishop or bishop.
- 10 **24.** Where a landlord is incumbent of an ecclesiastical benefice, the powers by this Act conferred on a landlord shall not be exercised by him in respect of the glebe land or other land belonging to the benefice, except with the previous approval in writing of the patron of the benefice, that is, the person, officer, or authority who, Landlord, incumbent of benefice.
- 15 in case the benefice were vacant, would be entitled to present thereto, or of the Governors of Queen Anne's Bounty (that is, the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy).
- In every such case the Governors of Queen Anne's Bounty may,
- 20 if they think fit, on behalf of the incumbent, out of any money in their hands, pay to the tenant the amount of compensation due to him under this Act; and thereupon they may, instead of the incumbent, obtain from the county court a charge on the holding, in respect thereof, in favour of themselves.
- 25 Every such charge shall be effectual, notwithstanding any change of the incumbent.
- 25.** The powers by this Act conferred on a landlord in respect of charging the land shall not be exercised by trustees for ecclesiastical or charitable purposes, except with the previous approval in writing Landlord, charity trustees, &c.
- 30 of the Charity Commissioners for England and Wales.
- 26.** A landlord, whatever may be his estate or interest in his holding, may give his consent, make any agreement, or do or have done to him any act in relation to improvements in respect of which compensation is payable under this Act which he might give or
- 35 make or do or have done to him if he were, in the case of an estate of inheritance, owner thereof in fee, and in the case of a leasehold, possessed of the whole estate in the leasehold. Provision as to limited owners.
- 27.** When by any Act of Parliament, deed, or other instrument, a lease of a holding is authorised to be made, provided that the
- 40 best rent, or reservation in the nature of rent, is by such lease reserved, then, whenever any lease of a holding is, under such Provision in case of reservation of rent.

- A.D. 1900. authority, made to the tenant of the same, it shall not be necessary, in estimating such rent or reservation, to take into account against the tenant the increase (if any) in the value of such holding arising from any improvements made or paid for by him on such holding. 5
- Set off of compensation against rent. 28. Where the compensation due under this Act, or under any custom or contract, to a tenant has been ascertained before the landlord distrains for rent due, the amount of such compensation may be set off against the rent due, and the landlord shall not be entitled to distrain for more than the balance. 10
- Exclusion of certiorari. 29. An order of the county court or of a court of summary jurisdiction under this Act shall not be quashed for want of form, or be removed by certiorari or otherwise into any superior court.
- Avoidance of agreement inconsistent with Act. 30. Any contract, agreement, or covenant made by a tenant, by virtue of which he is deprived of his right to claim compensation under this Act in respect of any improvement mentioned in the schedule hereto (except an agreement providing such compensation as is by this Act permitted to be substituted for compensation under this Act), shall, so far as it deprives him of such right, be void both at law and in equity. 15 20
- Right of tenant in respect of improvement purchased from outgoing tenant. 31. Where an incoming tenant has, with the consent in writing of his landlord, paid to an outgoing tenant any compensation payable under or in pursuance of this Act in respect of the whole or part of any improvement, such incoming tenant shall be entitled on quitting the holding to claim compensation in respect of such improvement or part in like manner, if at all, as the outgoing tenant would have been entitled if he had remained tenant of the holding, and quitted the holding at the time at which the incoming tenant quits the same. 25
- Provision as to change of tenancy. 32. A tenant who has remained in his holding during a change or changes of tenancy shall not thereafter on quitting his holding at the determination of a tenancy be deprived of his right to claim compensation in respect of improvements by reason only that such improvements were made during a former tenancy or tenancies, and not during the tenancy at the determination of which he is quitting. 30 35
- Restriction in respect of improvements by tenant about to quit. 33. Subject as in this section mentioned, a tenant shall not be entitled to compensation in respect of any improvements, as defined by this Act, begun by him, if he holds from year to year, within *one year* before he quits his holding, or at any time after he has given or received final notice to quit, and, if he holds as a lessee, within *one year* before the expiration of his lease. 40